1996/53. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in its article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice,

Mindful also that the International Covenant on Civil and Political Rights also states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these should be only such as provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or public order (ordre public) or of public health or morals,

Mindful further that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Mindful of the need to ensure that unjustified invocation of national security to restrict the right to freedom of expression and information does not take place,

Considering the promotion and protection of the rights to freedom of opinion and expression, including the right to seek, receive and impart information, as well as the rights to peaceful assembly and association, to be essential to popular participation in decision-making processes and to the realization of all rights set forth in international human rights instruments,

Emphasizing that individuals working in the field of social development can play a useful role in promoting popular participation by the expression of views and information related to the decision-making process,

Recalling its resolution 1993/45 of 5 March 1993, in which it decided to appoint a special rapporteur on the promotion and protection of the right to freedom of opinion and expression with a specific mandate, as well as subsequent resolutions in which the Commission took action on his reports,

Recalling also the reports and final conclusions and recommendations on the right to freedom of opinion and expression submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second, forty-third and forty-fourth sessions by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Turk (E/CN.4/Sub.2/1990/11, E/CN.4/Sub.2/1991/9 and E/CN.4/Sub.2/1992/9 and Add.1),

Taking note of the report of the Special Rapporteur and the reference therein to the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 which are annexed to that report (E/CN.4/1996/39),

Considering that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Considering also that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, translators, publishers, broadcasters, printers and distributors,

Taking note of the need to raise awareness about the linkages between the media, including modern telecommunications technology and the right to freedom of expression and information, mindful of provisions of relevant instruments,

Welcoming the agreed conclusion on women and the media adopted by the Commission on the Status of Women on 20 March 1996,

Deeply concerned that for women in all parts of the world there exists a gap between the right to freedom of opinion and expression and the effective promotion and protection of that right and that this contributes to the under-reporting of incidents of discrimination based on sex and inadequate action by Governments to investigate and take appropriate remedial action in response to these incidents,

1. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1996/39 and Add.1 and 2), and recalls his conclusion in his report to the Commission at its fifty-first session that freedom of expression is a fundamental right, the enjoyment of which illustrates in many ways the degree of enjoyment of all human rights enshrined in the International Bill of Human Rights;

2. Notes that the Special Rapporteur recognized in his first report (E/CN.4/1994/33) the need to cooperate with other special rapporteurs, special representatives, independent experts, working groups and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue his efforts in this regard;

3. Expresses its concern at the inadequate resources, both human and material, provided to the Special Rapporteur, particularly in the light of the information contained in his latest report, stating that the situation has become more acute in view of the substantially larger number of allegations he has received (E/CN.4/1996/39, para. 6), and accordingly reiterates its request to the Secretary-General to provide, from within existing overall

United Nations resources, all the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by strengthening the human and material resources placed at his disposal;

4. Requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights and the United Nations Decade for Human Rights Education, the work of the Special Rapporteur, as well as recommendations made by him;

5. Expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at, persons who exercise the right to freedom of opinion and expression and the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

6. Also expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at, persons who seek to promote and defend these rights and freedoms;

7. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and expression, and expresses in this regard its deep concern at the numerous reports received by the Special Rapporteur of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at, such professionals, including journalists, editors, writers and authors, translators, publishers, broadcasters, printers and distributors;

8. Expresses its concern at the number of cases of arbitrary detention ordered following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights and by other relevant human rights instruments concerning the right to freedom of opinion and expression;

9. Welcomes the release of persons detained for exercising these rights and freedoms, and encourages further progress in this regard;

10. Urges the Special Rapporteur, within the framework of his mandate, to draw the attention of the United Nations High Commissioner for Human Rights to those situations regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the United Nations High Commissioner for Human Rights, within his mandate, to take into account reports in this regard in the context of his activities to promote and protect human rights, with a view to preventing the occurrence and recurrence of human rights violations;

11. Invites the Special Rapporteur to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of

discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, and to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live;

12. Invites relevant United Nations bodies, mechanisms and procedures of the Commission on Human Rights, the Committee on the Elimination of Discrimination against Women and independent expert bodies, within their mandates, further to examine violations of the right to freedom of opinion and expression from a gender perspective, in cooperation with the Commission on the Status of Women, as also recommended by that Commission in its agreed conclusions on women and the media of 20 March 1996;

13. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs or who seek to promote and defend these rights and freedoms and, where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

14. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

15. Once again invites the working groups, representatives and the special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

16. Urges all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate;

17. Again invites the Special Rapporteur, in his next report, to develop further his commentary on the right to seek and receive information and to expand on his observations arising from communications;

18. Requests the Special Rapporteur to submit to the Commission at its fifty-third session a report covering the activities relating to his mandate;

19. Decides that the mandate of the Special Rapporteur should be renewed for a period of three years;

20. Also decides to continue its consideration of the question at its fifty-third session.

53rd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/54. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling Commission on Human Rights resolution 1995/55 of 3 March 1995, General Assembly resolution 50/178 of 22 December 1995 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to ensure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Commending the continued operation in Cambodia of the office of the Centre for Human Rights,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. Welcomes the report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/1996/92);

3. Also welcomes the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and the signing of a memorandum of understanding with the Government of Cambodia to allow the office of the Centre for Human Rights to continue operating for the next two years and to maintain its technical cooperation programmes;

4. Commends the work of the former Special Representative of the Secretary-General, Mr. Michael Kirby, in promoting and protecting human rights in Cambodia;

5. Takes note with appreciation of the latest report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1996/93), and endorses his recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment of the rule of law, good governance, freedom of expression and the promotion of an effective functioning multi-party democracy;

6. Welcomes the appointment by the Secretary-General of Mr. Thomas Hammarberg as his new Special Representative;

7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous reports, are followed up and implemented;

8. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

9. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, in particular in the area of human rights education and the essential area of creating a functioning system of justice, urges that efforts continue in this area, and encourages the Government to improve the conditions of prisons;

10. Notes that communal elections are due to be held in 1997 and National Assembly elections in 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election, take part freely in a representative Government and freedom of expression, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

11. Calls upon the Government of Cambodia to investigate cases of violence and intimidation directed against political parties and their supporters, as well as against media personnel and offices, and to bring to justice those responsible;

12. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages and other deplorable incidents detailed in the reports of the Special Representative;

13. Also expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his reports, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

14. Expresses particularly grave concern at the comments made by the Special Representative concerning the reluctance of the courts to charge members of the military and other security forces for serious criminal offences, and encourages the Government of Cambodia to address this problem, which in effect places persons in authority above the principle of equality before the law, as a matter of urgent priority;

15. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

16. Recognizes the seriousness with which the Government of Cambodia has approached the preparation of its initial reports to the relevant treaty bodies, and encourages the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

17. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

18. Commends the ongoing efforts of the office in Cambodia of the Centre for Human Rights in supporting and assisting the Government of Cambodia, as well as assisting non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government of Cambodia;

19. Welcomes and encourages the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia;

20. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to this Trust Fund;

21. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women, children, disabled persons and minorities;

22. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel land-mines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and welcomes the intention of the Government of Cambodia to ban all anti-personnel land-mines;

23. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-third session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

24. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-third session, under the agenda item entitled "Advisory services in the field of human rights".

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/55. Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as the latest resolution of the Commission on Human Rights on the subject, 1995/53 of 3 March 1995,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) in which the World Conference on Human Rights called for an enhanced programme of advisory services in the field of human rights, as well as for a more efficient and transparent management of the programme,

Mindful of the responsibilities of the United Nations High Commissioner for Human Rights set out in General Assembly resolution 48/141 of 20 December 1993, in particular that of providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical cooperation at the request of the State concerned and, where

appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights,

Welcoming the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights,

Encouraging all States in need of assistance in the field of human rights to consider making use of the advisory services and technical cooperation being offered at the bilateral, regional or international level, provided by the Centre for Human Rights or other relevant bodies involved in the field of human rights within the United Nations system or by national institutions or non-governmental organizations, in order to achieve the full enjoyment of all human rights,

Emphasizing the particular importance of the development of assistance in the field of human rights, including through the assignment of human rights field officers, to countries in transition or reconstruction after situations of armed conflict or internal disturbance, with the consent of the Government concerned,

Reaffirming that the provision of advisory services and technical cooperation may be seen as a complement to, but not a substitute for, the monitoring and investigating activities of the human rights programme and that their provision does not reduce a Government's responsibility to account for the human rights situation and, whenever applicable, would not exempt it from monitoring through the various procedures established by the United Nations,

Convinced that advisory services and technical cooperation in the field of human rights require close cooperation between United Nations bodies and specialized agencies active in this field so as to enhance the effectiveness and efficiency of their respective programmes and avoid unnecessary duplication,

Mindful that the United Nations High Commissioner for Human Rights, in accordance with his mandate as established by the General Assembly in resolution 48/141, is responsible, inter alia, for the coordination of human rights promotion and protection activities throughout the United Nations system,

Convinced, therefore, of the need for the Centre for Human Rights to assume the functions of focal point and clearing house for inter-agency coordination on human rights issues with other organizations of the United Nations system,

Reaffirming that within the comprehensive programme of advisory services and technical cooperation in the field of human rights, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Welcoming the nomination of a coordinator for the Voluntary Fund for Technical Cooperation in the Field of Human Rights,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1996/90), as well as of the report of the United Nations High Commissioner for Human Rights (E/CN.4/1996/103) regarding the provision of technical assistance,

1. Reaffirms that the programme of advisory services and technical cooperation in the field of human rights should continue to provide, at the request of Governments, assistance designed to strengthen national capacities for the promotion and protection of all human rights, achieve equality and strengthen the rule of law and democracy;

2. Welcomes the progress made in the management of the programme of advisory services and technical cooperation, notably the efforts made to introduce more efficient procedures and training of staff in the area of project identification, management and evaluation, as well as the progressive development of clear objectives, strategies and priorities for the effective management of the programme of advisory services and technical cooperation, and, in accordance with the Vienna Declaration and Programme of Action, encourages the Secretary-General to pursue these efforts further;

3. Requests the United Nations High Commissioner for Human Rights to establish, in connection with activities under the programme of advisory services and technical cooperation, a roster of experts and to invite Member States to provide relevant information to that end;

4. Requests the High Commissioner to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, as well as non-governmental organizations, and arrangements where needs identified by the Centre are met by projects for which such bodies and organizations take full responsibility for financing and implementation;

5. Encourages in particular the cooperation between the Centre for Human Rights and the United Nations Development Programme, with a view to integrating, with the advice of the Commission on Human Rights, projects for strengthening human rights into the United Nations Development Programme activities and carrying out joint projects;

6. Invites competent United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights;

7. Requests the Secretary-General, in the context of the budgetary planning for the biennium 1998-1999, to allocate to the Centre for Human Rights more human and financial resources for the enlargement of the programme of advisory services and technical cooperation in the field of human rights,

from within existing overall United Nations resources and in a manner compatible with other development objectives, in order to meet the substantially increased demand;

8. Expresses its appreciation to Governments and non-governmental organizations for their contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, and invites more Governments and non-governmental organizations to consider contributing;

9. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improving the implementation of international conventions and other international standards on human rights;

10. Requests the Secretary-General, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund as advisory body, to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

11. Requests the Board of Trustees to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the United Nations High Commissioner for Human Rights/the Centre for Human Rights in monitoring, reviewing and improving constantly the process of selecting and implementing technical cooperation projects, the conduct of comprehensive needs assessments and the evaluation of ongoing and completed projects against the objectives that have been set and criteria of cost-effectiveness, and invites the Chairman of the Board to address the Commission;

12. Requests the Secretary-General to provide the necessary administrative assistance for the Board, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

13. Also requests the Secretary-General to submit a report to the Commission at its fifty-third session containing an inventory and an analysis of the availability of technical cooperation in the field of human rights from all sources, both multilateral and bilateral, and to request relevant information from such sources;

14. Further requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/56. Assistance to States in strengthening the rule of law

The Commission on Human Rights,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 1995/54, of 3 March 1995 and General Assembly resolution 50/179 of 22 December 1995,

1. Takes note with satisfaction of the report of the Secretary-General to the General Assembly (A/50/653), submitted in conformity with Assembly resolution 49/194 of 23 December 1994;

2. Takes note with interest of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;

3. Praises the efforts made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Affirms that the High Commissioner, with the assistance of the Centre, remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

7. Welcomes the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

8. Encourages the High Commissioner to pursue these consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

9. Requests the High Commissioner in this respect to continue to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

10. Requests the Secretary-General to submit a report to the General Assembly at its fifty-first session on the results of the contacts established in accordance with paragraph 9 above, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/57. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling its resolution 1995/56 of 3 March 1995, in which it requested the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, inter alia through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Welcoming all efforts aimed at improving the humanitarian situation in Somalia, such as those of agencies and programmes of the United Nations, other humanitarian organizations and non-governmental organizations,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Noting with appreciation the efforts aimed at encouraging a peaceful political solution to the crisis, in particular those of neighbouring countries and the Organization of African Unity,

Appreciating, in this respect, the role of organizations such as the Organization of the Islamic Conference and the League of Arab States,

Affirming the need for a peaceful process leading to the disarmament of factions, political reconciliation and the re-establishment of effective government committed to the promotion and protection of human rights,

Deeply concerned at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment, violence against women and children and attacks against humanitarian personnel and at the absence of an effective judicial system essential to ensure the right to a fair trial in accordance with international standards,

Deploring continued attacks, acts of reprisal, abductions and other acts of violence committed against United Nations personnel, personnel of other humanitarian organizations and non-governmental organizations and representatives of the international media in Somalia, sometimes resulting in serious injury or death,

Recognizing the negative impact the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that under the prevailing circumstances, it has been extremely difficult for the independent expert to fulfil his mandate as envisioned by the Commission,

Believing none the less that the Centre for Human Rights should be in a position, through its programme of advisory services and technical assistance, to reinforce any positive political developments in Somalia by providing assistance, including to the police and the judicial and penal systems as well as to other institutions for the promotion and protection of human rights,

1. Takes note of the report of the independent expert (E/CN.4/1996/14);

2. Calls upon all parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

3. Strongly urges all parties in Somalia to respect human rights and humanitarian law, to apply criminal justice standards and to protect United Nations personnel, humanitarian relief workers and representatives of the international media;

4. Requests the independent expert to report to the Commission at its fifty-third session within his mandate;

5. Requests the Secretary-General to provide adequate resources, from within the regular budget of the United Nations, to fund the activities of the independent expert and the Centre for Human Rights, and invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

6. Decides to continue consideration of the question at its fifty-second session under the item "Advisory services in the field of human rights".

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/58. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

Recalling its resolutions 1994/80 of 9 March 1994 and 1995/70 of 8 March 1995, and the relevant resolutions adopted by the General Assembly at its fiftieth session,

Having in mind the report (E/CN.4/1996/94) of the independent expert, Mr. Adama Dieng, appointed to consider the development of the human rights situation in Haiti and to verify compliance by that country with its obligations in that field, and the recommendations contained therein,

Condemning again the cruel and systematic violations of human rights experienced by the Haitian people under the de facto regime endured until 1994, from whose negative effects the country is still suffering,

Recognizing the efforts made by the international community, through the Secretary-General of the United Nations, the Secretary-General of the Organization of American States and the Special Representative of the Secretary-General of the United Nations for Haiti, to re-establish the democratic institutions in Haiti,

Aware that, although the human rights situation in Haiti has improved considerably since the resumption of office, in October 1994, by its legitimate President, Jean-Bertrand Aristide, it is incumbent on the international community to observe closely developments in Haiti and, in particular, the situation of human rights and fundamental freedoms,

Welcoming warmly the holding in Haiti, during 1995, of free and democratic legislative, municipal and presidential elections,

Acknowledging the work done by the International Civilian Mission to Haiti, and by the National Commission for Truth and Justice, in the field of the diffusion of democracy and respect for human rights,

Concerned, nevertheless, at the continued occurrence of specific abuses of human rights and at the persistence of flagrant shortcomings in the areas of the administration of justice and policing,

Considering that the support of the international community, especially through adequate technical and financial assistance, is essential for the more effective development of the efforts of the Government and people of Haiti to promote the realization of freedom and human rights,

Welcoming warmly the request of the Government of Haiti for technical assistance and advisory services in the field of human rights by the Centre for Human Rights,

Receiving favourably the invitation to visit Haiti addressed by the Government of Haiti to the Commission's Special Rapporteur on violence against women,

1. Expresses its thanks to the Secretary-General and his Special Representative for the work done with a view to consolidating the democratic institutions in Haiti and respect for human rights in that country;

2. Welcomes the extension, by the General Assembly in resolution 50/86 B of 4 April 1996, of the mandate of the International Civilian Mission to Haiti;

3. Takes note with gratitude of the report (E/CN.4/1996/94) of Mr. Adama Dieng, independent expert of the Commission on Human Rights on the situation of human rights in Haiti, and of the conclusions and recommendations contained therein;

4. Welcomes the efforts initiated by the Haitian authorities to promote democratization, among which must be included the successful conduct of democratic elections to Congress, the municipal councils and the office of President of the Republic;

5. Acknowledges the favourable approach taken by the Government of Haiti towards the establishment and development of institutions aimed at the promotion and protection of human rights and fundamental freedoms, in accordance with the international instruments on this question;

6. Expresses its concern at recent acts of violence, in particular assassinations of possibly political origin and cases of personal reprisals, and expresses its hope that such acts will be properly investigated;

7. Urges the Government of Haiti to continue and intensify the ongoing process of judicial reform, especially through the modernization of civil legislation, the training of judges and government commissioners, and the teaching of international humanitarian law and human rights;

8. Welcomes the establishment of the programme of technical cooperation prepared by the Centre for Human Rights, aimed at strengthening institutional capacity in the field of human rights, particularly in the areas of legislative reform, training of justice administration personnel and human rights education;

9. Requests, to this end, the Secretary-General, through the High Commissioner for Human Rights and the Centre for Human Rights, to take appropriate steps to ensure, from within existing resources, financial and human resources for the implementation of that programme;

10. Requests the independent expert to report to the Commission at its fifty-third session on the development of the human rights situation in Haiti and on the initiation of the technical cooperation programme in the area of human rights;

11. Urges the Government of Haiti to create favourable conditions for the execution of programmes aimed at the reconstruction and development of Haiti, and calls on the international community to extend its fullest collaboration to that end, through the implementation of international programmes of assistance;

12. Expresses its support for the work done by the National Commission for Truth and Justice, with the cooperation of the International Civilian Mission to Haiti, with regard to the investigation of past human rights abuses, and urges the Government of Haiti to implement its recommendations;

13. Invites the Special Rapporteur on violence against women to give favourable consideration to the invitation by the Government of Haiti to visit the country, with the support of the United Nations Population Fund;

14. Decides to continue consideration of this question at its fifty-third session, under the item entitled "Advisory services in the field of human rights".

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/59. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1995/51 of 3 March 1995,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1995/7 of 18 August 1995,

Having considered the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1996/38 and Add.1) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4),

Having considered also the report of the independent expert, Mrs. Mónica Pinto (E/CN.4/1996/15), and studied the conclusions and recommendations contained therein,

Taking into account the four reports submitted by the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) to the Secretary-General,

Taking note with satisfaction of the legal and institutional reforms undertaken by the previous Government, as well as the measures adopted by the new Government, such as the dismissal of some high-ranking military officers

and a large number of members of the security forces, with a view to combating impunity and guaranteeing full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned nevertheless by the fact that, despite those reforms, there continue to be serious human rights violations in Guatemala, attributed to members of the armed forces and security forces and to the so-called voluntary civil self-defence committees, whereas it cannot be affirmed that those violations are a consequence of an existing policy of the current Government systematically to violate human rights,

Concerned also by the fact that situations of impunity continue to exist and that, in cases of human rights violations, there has not been sufficient progress in the investigations and/or judicial proceedings,

Regretting the human rights violations, marginalization and centuries-old discrimination that have been suffered by the indigenous populations in Guatemala,

Regretting also that the process of the return of refugees and the resettlement of displaced persons has encountered serious problems, in particular the massacre in the community of "Aurora, 8 de octubre" in Xamán, municipality of Chisec, on 5 October 1995, which constitutes the most significant violation of the human rights of returnees in Guatemala, and recognizing the measures taken by the Government of Guatemala which resulted in the soldiers involved being brought to trial before the competent civil judge, the dismissal of the local detachment commander and the resignation of the Minister of Defence,

Considering that the economic and social situation continues to have serious consequences for the great majority of the population, particularly for the indigenous peoples of Guatemala and the most vulnerable sectors of Guatemalan society,

Taking note with great satisfaction of the historic Agreement on Identity and Rights of Indigenous Peoples, signed in Mexico City on 31 March 1995 between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG),

Recognizing with satisfaction the decision of the previous Government of Guatemala to suspend obligatory military service and to order the demobilization of the paramilitary officers (comisionados militares),

Recognizing the importance of the general elections which were held in November 1995 and January 1996, with the participation, for the first time since 1950, of sectors that had been traditionally marginalized from the political life of the country, and which led to the inauguration of a new Government on 14 January 1996, to the formation of a Congress and to the installation of new local governments which are more representative of the interests of the population,

Encouraged by the fact that the new Government of Guatemala has given immediate attention to various problems related to violations of human rights and to impunity, as well as to continuity in the process of negotiation in an effort to establish a firm and lasting peace,

Equally encouraged by the fact that the Government of Guatemala and the URNG General Command have restarted the process of negotiation, with the intention of resolving the remaining substantive issues in the shortest possible time in order to end that process with the signing of a firm and lasting peace agreement within the current year,

Even more encouraged by the declaration of the URNG General Command, on 19 March 1996, on the temporary suspension of offensive military operations, attacks on garrisons, detachments and military installations and the deployment of troops on the roads, and by the corresponding declaration of the Government of Guatemala, on 20 March 1996, issuing instructions to the army of Guatemala to cease their counter-insurgent operations and undertake solely those activities prescribed by their constitutional mandate,

Recognizing the importance of the role played in these negotiations by the moderator appointed by the Secretary-General, of the participation of the Group of Friendly Countries composed of Colombia, Spain, the United States of America, Mexico, Norway and Venezuela, and of the valuable contributions of the Civil-Society Assembly, on the terms established in the Framework Agreement,

Also recognizing the positive role played by MINUGUA for the benefit of the peace process in carrying out its work of verifying the human rights situation and compliance with the Commitments of the Comprehensive Agreement on Human Rights,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights to the Government and to non-governmental organizations, as well as technical and financial assistance for both, with the aim of promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government and people of Guatemala to that end,

1. Takes note with appreciation of the report of the independent expert and the conclusions and recommendations contained therein (E/CN.4/1996/15);

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert in the fulfilment of her mandate;

3. Takes note of the reports that MINUGUA has produced on the activities it has carried out in Guatemala since it began its work on 21 November 1994, thanking the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca for the cooperation they gave the Mission to assist it in the performance of its functions;

4. Recognizes the efforts made by the Government of Guatemala and encourages it to apply the necessary urgent measures to consolidate democratic institutions and to promote and protect human rights and fundamental freedoms, taking into account the recommendations of the independent expert and the contributions of MINUGUA;

5. Regrets that, notwithstanding these efforts, serious violations of human rights persist, particularly violations of the right to life and threats and intimidation against the physical integrity of individuals, attributed mainly to members of the armed forces and security forces and to the so-called voluntary civil self-defence committees;

6. Urges both parties, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities which might endanger the rights of Guatemalans, in particular of the persons specially protected by international humanitarian law, and which might affect the physical security of the civilian population and that of their property;

7. Exhorts the Government of Guatemala to continue to adopt and apply the necessary legal and political measures to strengthen the independence of the judiciary and respect for its members and its decisions, as well as the full application of the rule of law;

8. Also exhorts the Government of Guatemala to intensify investigations enabling all those responsible for violations of human rights to be identified and brought to justice, to provide compensation for the victims of such violations within a legal framework, to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights;

9. Requests the Government of Guatemala, taking into account the recommendations made by the independent expert, to promote all relevant legislative reforms pertaining to military tribunals, so that violations of human rights committed by members of the armed forces of Guatemala are excluded from their jurisdiction;

10. Takes note with satisfaction of the initial actions of the Government of Guatemala designed to ensure that all authorities, including the armed forces and security forces, fully respect human rights and fundamental freedoms, and encourages it to continue strengthening the civilian authorities to ensure that those decisions are respected;

11. Exhorts the Government of Guatemala, within the framework of its general human rights policy, to continue to apply the independent expert's recommendations, in particular those relating to a police system answerable to the civilian authorities, and takes note of the declaration made by the Minister of Defence regarding respect for the freedom of the voluntary civil

self-defence committees to demobilize - as a means of demilitarizing society and contributing to the tranquillity of the population in the rural areas, within the framework of the peace accords;

12. Takes note that despite the legal and institutional reforms which the previous Government of Guatemala introduced in the system for the administration of justice in order to combat violence and impunity, these still persist, and encourages the new Government to pay particular attention to the legal standards and the content of the Agreement on Identity and Rights of Indigenous Peoples, in order to guarantee the rights and freedoms of all Guatemalans and, in particular, those of the members of the indigenous populations and of the most vulnerable sectors of society, and also takes note of the initial efforts and measures undertaken by the new Government to combat impunity;

13. Expresses its conviction that the pre-eminence of civilian authority in the national decision-making process is an indispensable condition for the consolidation of the rule of law and the full realization of human rights, and, in that respect, invites the Government to take into account the independent expert's recommendations to that end and requests it to continue to contribute towards broadening political participation for all political groups and all citizens;

14. Recognizes the positive work done in defence of human rights by the Human Rights Procurator, and exhorts the Government to give him support and to guarantee the conditions for the strengthening of his activities, inter alia through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

15. Exhorts the Government of Guatemala to adopt concrete measures against extreme poverty that will enable the population to attain better living standards, giving priority to economic and social development programmes, and calls on the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, in the framework of the negotiations on socio-economic aspects and the agrarian situation, bearing in mind the Agreement on Identity and Rights of Indigenous Peoples, to find a just solution to the demands of the Guatemalan people in general and the indigenous communities in particular, as expressed through the appropriate proposals of the Civil-Society Assembly and other sectors of the population;

16. Takes note of the continuation of the refugee repatriation process, urges the competent authorities to ensure that this process is accomplished with full consideration for the well-being and dignity of all affected persons, providing the necessary facilities for their prompt resettlement, and urges the parties concerned to comply strictly with the agreements reached on the subject since October 1992;

17. Urges the Government of Guatemala to continue to assist the civilian population displaced by the internal armed conflict and to facilitate its resettlement, on the basis of the recommendations of the Technical Commission provided for in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict;

18. Congratulates the Government and Congress of Guatemala on the ratification of International Labour Organization Convention No. 169 concerning indigenous and tribal peoples in independent countries, 1989, and invites the Government to consider ratifying as soon as possible the other international human rights instruments to which it is not yet a party;

19. Asks the Congress of the Republic to adopt at the earliest possible date the law regulating obligatory non-discriminatory military service, taking into account, inter alia, the proposals for voluntary civilian service;

20. Expresses its satisfaction at the implementation of the electoral process for the posts of President and Vice-President and for the Congress, the Central American Parliament and municipal governments, in which traditionally excluded sectors were able to participate, as well as at the inauguration of the new civilian Government, presided over by Mr. Alvaro Arzú, the installation of a Congress and the initiation of activities by local governments which are more representative of the interests of the people;

21. Also expresses its satisfaction at the signing of the Agreement on Identity and Rights of Indigenous Peoples on 31 March 1995, at the role played by MINUGUA in the country and at the resumption of negotiations between the new Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca;

22. Expresses its satisfaction to the Government of Guatemala and to the Unidad Revolucionaria Nacional Guatemalteca for the boost given to the negotiations which seek to achieve agreements on the pending items on the agenda, with the corresponding mechanisms for verification, and expresses confidence that the Unidad Revolucionaria Nacional Guatemalteca will maintain the suspension of offensive military action and that the army will maintain its suspension of counter-insurgency action and undertake solely those activities stipulated for it in the Constitution, in order to secure the signing of a firm and lasting peace agreement in the shortest possible time;

23. Commends the work of the moderator appointed by the Secretary-General, the efforts of the Group of Friendly Countries to advance the peace process in Guatemala and the valuable contributions of the Civil-Society Assembly;

24. Requests the Secretary-General to increase, within overall existing resources, advisory services in the field of human rights to the Government of Guatemala and to develop specific programmes with non-governmental organizations;

25. Also requests the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, taking into account the work of MINUGUA, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-third session a report containing, among other items, an evaluation of the measures taken by the Government in accordance with the recommendations made to it;

26. Decides to consider at its fifty-third session the report of the independent expert on the situation of human rights in Guatemala in the question of assistance to Guatemala in the field of human rights.

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/60. Question of fundamental trade union and workers' rights

The Commission on Human Rights,

Recalling that the Philadelphia Declaration of the General Conference of the International Labour Organization of May 1944, inter alia, reaffirms fundamental and universal tenets, including the freedom of expression and association, the right of collective bargaining, the principle of non-discrimination and adequate protection for the life and health of workers,

Recalling also that the Copenhagen Declaration and Programme of Action (A/CONF.166/9), adopted at the World Summit for Social Development, held in Copenhagen in March 1995, contains a commitment to safeguard the basic rights and interests of workers by promoting respect for the prohibition of forced and child labour, the freedom of association, the right to organize and bargain collectively, and the principle of non-discrimination as the means of achieving the goal of full employment, a basic priority of economic and social policies,

Recalling further that in the Beijing Declaration and Platform for Action (A/CONF.177/23) the Fourth World Conference on Women: Action for Equality, Development and Peace called on Governments to promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources, to facilitate women's equal access to resources, employment, markets and trade, and to eliminate occupational segregation and all forms of employment discrimination,

Noting that the World Conference on Human Rights supported all measures by the United Nations and its relevant specialized agencies to ensure the effective promotion and protection of workers' rights, and called on all States to abide fully by their obligations in this regard contained in international instruments,

Recalling that the Universal Declaration of Human Rights proclaims that everyone, without discrimination, has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, as well as the right to form and to join trade unions for the protection of his interests,

Recalling also its resolutions 1990/16 of 23 February 1990, 1992/12 of 21 February 1992 and 1994/63 of 4 March 1994, in which it expressed deep concern that in many countries persons exercising their basic workers' and trade union rights were subject to serious violations of their fundamental

human rights, including their right to life, and appealed to States to ensure the conditions for the free and full exercise of those basic workers' and trade union rights,

Regretting that serious violations of basic workers' and trade union rights have continued since then in many countries, in some of which those rights have not been, as of today, legally recognized,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their rights of freedom of association, to organize and join free and independent trade unions, and to bargain collectively, within the framework of national legislation that is consistent with the principles of the Universal Declaration of Human Rights and International Labour Organization conventions;

2. Calls upon States to consider adopting measures to ensure that all persons have the right to equal pay for equal work, without discrimination of any kind, such as race, colour, sex, language, ethnicity or religion;

3. Also calls upon States to consider taking the necessary initiatives to secure, if need be, that the right to work is recognized by their national/federal legislation as a human right and to take all possible steps to secure in practice the realization of that right;

4. Welcomes the legislative and administrative steps taken by States to promote and protect the rights of workers, eliminate forced child labour, eradicate exploitative child labour and address the issue of child labour through education, social support and alternative income-generating activities, and calls upon States that have not yet done so to take such measures;

5. Calls upon the international community, relevant international institutions and States Members of the United Nations to assist and cooperate with countries which have undertaken programmes to promote and protect the rights of workers and the elimination of child labour;

6. Urges States to remove all forms of discrimination in the workplace and to develop provisions for healthy and safe workplaces;

7. Invites States to involve trade union organizations in the process of popular participation and as part of the consultative process for formulating government policy that affects their economic and social interests;

8. Invites States to promote the spirit of International Labour Organization tripartitism in the formulation and implementation of government policy, in particular labour issues;

9. Requests all States periodically to examine the possibility of ratifying the international labour covenants adopted by the International Labour Organization, inter alia in the fields of trade union freedom of association, length of the workday, labour safety and hygiene, and social security.

58th meeting
23 April 1996

[Adopted without a vote. See chap. V.]

1996/61. Contemporary forms of slavery

The Commission on Human Rights,

Gravely concerned at modern manifestations of slavery, the slave trade and slavery-like practices,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which provide that no one shall be held in slavery or servitude,

Recalling its resolutions on the reports of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1995/27 of 3 March 1995,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twentieth session (E/CN.4/Sub.2/1995/28 and Add.1), submitted to the Sub-Commission at its forty-seventh session,

Recalling its resolution 1992/36 of 28 February 1992, in which the Commission endorsed the views expressed by the Sub-Commission in its resolution 1991/37 of 29 August 1991 on it being desirable to launch a concerted programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others,

Taking into consideration the recommendation of the Sub-Commission that the Commission adopt the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1),

Taking note of the invitation of the Sub-Commission to the Special Rapporteur on the sale of children, child prostitution and child pornography to participate in the twenty-first session of the Working Group,

Taking note also of the recommendation of the Sub-Commission that the Commission designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for commercial purposes,

Noting with concern that, since its establishment by the General Assembly in its resolution 46/122 of 17 December 1991, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, as a result of its continuing difficult financial situation owing to a lack of contributions, could not be used for the purposes for which it was established,

Taking note of the grave concern expressed by the Board of Trustees of the Fund at the financial situation of the Fund,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its twentieth session in implementing its programme of work, and for its flexible methods of work;

2. Expresses its grave concern at manifestations of contemporary forms of slavery as reported to the Working Group;

3. Invites the Sub-Commission to continue considering the strengthening of its involvement in the activities of the Working Group;

4. Requests the Secretary-General to invite those eligible States that have not ratified or acceded to the conventions on slavery to consider doing so as soon as possible;

5. Invites intergovernmental organizations, relevant organizations of the United Nations system, as well as the International Criminal Police Organization and non-governmental organizations concerned, to supply relevant information to the Working Group;

6. Appeals to Governments and relevant intergovernmental and non-governmental organizations to send representatives to the sessions of the Working Group;

7. Recommends that the supervisory bodies of the International Labour Organization give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery;

8. Encourages Governments to consider, in the context of the Programme of Action on the Elimination of the Exploitation of Child Labour and Debt Bondage, the adoption of measures and regulations to protect child labourers and to ensure that their labour is not exploited;

9. Invites the Special Rapporteur on the sale of children to examine ways and means of cooperating with the Working Group and, in particular, to consider accepting the invitation of the Sub-Commission to participate in the twenty-first session of the Working Group;

10. Invites all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve this objective;

11. Requests Governments to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

12. Approves the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1) while taking note of differences between States in the scope of applicability of their criminal legislation with regard to, inter alia, prostitution and the production, distribution and possession of pornographic material;

13. Requests the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization, as well as the International Criminal Police Organization and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission at its fifty-third session to decide upon possible follow-up in this matter, taking into account the recommendation of the Sub-Commission in this regard;

14. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations system for the suppression of contemporary forms of slavery and to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre for Human Rights to work on a permanent basis to ensure continuity and close coordination within and outside the Centre on issues relating to contemporary forms of slavery;

15. Requests the Secretary-General to transmit once again to all Governments the appeal of the Commission on Human Rights for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

16. Commends the Board of Trustees of the Trust Fund for its efforts to remedy the continuing difficult financial situation of the Fund, which is due to a lack of contributions;

17. Invites the Secretary-General to examine the feasibility of alignment and harmonization of the procedures and support mechanisms of the Trust Fund with other existing procedures and mechanisms and to report on this matter to the Commission at its fifty-third session.

58th meeting
23 April 1996

[Adopted without a vote. See chap. XV.]

1996/62. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Taking into account the International Convention against the Taking of Hostages adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community,

Taking into consideration the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, which prohibit the taking of hostages in time of armed conflict,

Recalling the previous resolutions of the Commission on Human Rights on the subject, including the latest, resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as hostage,

Bearing in mind the pertinent Security Council resolutions condemning all cases of hostage-taking,

Deeply concerned that, despite the efforts of the international community, acts of hostage-taking, in different forms and manifestations including, inter alia, those committed by terrorists and armed groups, have increased in many regions of the world,

Especially alarmed at the taking hostage of women and children, expressing its distress at the violence committed against innocent victims, and sharing the anxiety and suffering of the families concerned,

Expressing its outrage at the continuing manifestations of brutality and violence in connection with hostage-taking, including the killing of innocent people and their use as human shields,

Appealing for the humanitarian action of the International Committee of the Red Cross and its delegates to be respected and facilitated in all relevant circumstances,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. Emphasizes that the taking of hostages, wherever and by whomever committed, constitutes a serious obstacle to the full enjoyment of all human rights and is, under any circumstances, unjustifiable;

2. Demands that all hostages be released immediately and without any preconditions;

3. Calls upon States to take all necessary measures, in accordance with relevant provisions of international law and international standards of human rights, to prevent, combat and punish acts of hostage-taking, including strengthening international cooperation in this field;

4. Invites relevant non-governmental organizations to bear in mind, where appropriate, the problem of hostage-taking in their deliberations;

5. Urges all thematic special rapporteurs and working groups to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

6. Decides to consider this question at its fifty-fourth session under the same agenda item.

58th meeting
23 April 1996
[Adopted without a vote. See chap. VIII.]

1996/63. Protection of the heritage of indigenous people

The Commission on Human Rights,

Taking note with approval of resolution 1995/40 of 25 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends to the Economic and Social Council the following draft resolution for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

58th meeting
23 April 1996
[Adopted without a vote. See chap. XXIII.]

1996/64. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988 and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

Recalling also its own resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991, 1992/40 of 28 February 1992, 1993/57 of 9 March 1993, 1994/48 of 4 March 1994 and 1995/48 of 3 March 1995,

Recalling further that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action (A/CONF.157/23), emphasized that regional arrangements played a fundamental role in promoting and protecting human rights,

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the holding of the Colloquium on Human Rights in Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the Institute of Strategic and International Studies of the Association of South-East Asian Nations, intended, inter alia, to facilitate the process of developing a subregional human rights body for the protection and promotion of human rights in countries of the Association of South-East Asian Nations, in fulfilment of the decision of the Association to consider the establishment of an appropriate mechanism on human rights,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have an important role to play in this process,

Welcoming the contribution to the development of regional human rights arrangements made by the fourth workshop on regional human rights arrangements in the Asian and Pacific region held in Kathmandu from 26 to 28 February 1996, particularly the workshop's conclusions,

Reiterating that such workshops should be organized regularly, and if possible annually as proposed by the Government of the Republic of Korea and endorsed by the Commission in its resolution 1995/48,

Mindful that the agreements reached at the fourth workshop were built upon the accomplishments of previous workshops,

1. Welcomes the report of the Secretary-General (E/CN.4/1996/46/Add.1) and the progress achieved in the implementation of Commission on Human Rights resolution 1995/48 of 3 March 1995;

2. Welcomes also the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994 and the workshop held in Kathmandu from 26 to 28 February 1996;

3. Reaffirms that all human rights are universal, indivisible and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. Also reaffirms that regional arrangements play a fundamental role in promoting and protecting human rights and that they should reinforce universal human rights standards, as contained in international human rights instruments, and their protection;

5. Takes into account the Bangkok Declaration wherein it is recognized that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;

6. Takes note of the conclusions of the fourth workshop, which stated, inter alia, that while the experience of other regions would continue to be carefully examined, it was clear that any regional arrangements for the Asian and Pacific region would need to be based on the needs, priorities and conditions prevailing in the region;

7. Endorses the conclusions of the fourth workshop, including the recognition of the importance of a step-by-step process towards the establishment of a regional arrangement for the promotion and protection of human rights in the Asian and Pacific region;

8. Welcomes the participation for the first time of delegations from West Asia in the fourth workshop, and recognizes the need to ensure that the issues, concerns and priorities of West Asia be effectively addressed in future workshops;

9. Affirms that the establishment of national institutions constitutes one of the most important building-blocks necessary for the ongoing process of developing regional human rights arrangements in the Asian and Pacific region which includes the possible establishment of subregional human rights arrangements, cooperation on issues such as education and information-sharing, the development of national action plans on human rights and the ratification of human rights instruments;

10. Notes the contribution of representatives of non-governmental organizations and national human rights institutions in these workshops;

11. Also notes that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions;

12. Requests the Secretary-General to facilitate the realization of that activity under the regular budget of the United Nations for the programme of advisory services and technical assistance in the field of human rights;

13. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into consideration the conclusions of the fourth workshop;

14. Appeals to all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical assistance for the promotion and protection of human rights, to organize information and/or training courses at the national or regional level for appropriate government personnel on the application of international human rights standards and the experience of relevant national and international organs;

15. Requests the Secretary-General to give adequate attention to the countries in the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights;

16. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depositary centre of the Commission, and requests the Secretary-General to maintain a continuing flow of human rights material to its library;

17. Welcomes the establishment of national commissions for human rights by the Governments of India, Indonesia and the Islamic Republic of Iran;

18. Also welcomes the decisions concerning and the preparatory steps taken towards the establishment of national institutions for the promotion and protection of human rights by the Governments of Mongolia, Nepal, Pakistan, Papua New Guinea, Sri Lanka and Thailand;

19. Requests the Secretary-General, in accordance with the conclusions of the fourth workshop, to establish an open-ended team comprised of representatives of interested Governments of the region and the Centre for Human Rights, which could consult with non-governmental organizations and national institutions to ensure the effective preparation of the next workshop and to facilitate the development of regional arrangements;

20. Calls upon the Centre for Human Rights to provide specific information on programmes available under the Voluntary Fund for Technical Cooperation in the Field of Human Rights, to facilitate better access and fuller utilization of these programmes by all countries in the Asian and Pacific region;

21. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars

and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights to assist in the development of regional arrangements;

22. Also encourages all States in the Asian and Pacific region to consider ratifying and acceding to international human rights instruments adopted within the framework of the United Nations system, with the aim of universal acceptance;

23. Further encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

24. Requests the Secretary-General to submit to the Commission at its fifty-third session a further report incorporating information on the progress achieved in the implementation of the present resolution;

25. Decides to continue its consideration of the question at its fifty-third session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

58th meeting
23 April 1996

[Adopted without a vote. See chap. IX.]

1996/65. Composition of the staff of the Centre for Human Rights

The Commission on Human Rights,

Recalling that in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission on Human Rights reaffirmed that the paramount consideration in the employment of staff at every level was the need for the highest standards of efficiency, competence and integrity, and that it was convinced that that was compatible with the principle of equitable geographical distribution, and bearing in mind Article 101, paragraph 3 of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17 of the Vienna Declaration and Programme of Action (A/CONF.157/23)in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide the sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, and at the same time recognized the necessity for an adaptation of the United Nations human rights machinery in accordance with its real needs,

Taking into account the need to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries and in this regard to improve the current composition of the staff of the Centre on the basis of a more equitable geographical distribution,

Reaffirming its resolution 1995/61 of 7 March 1995,

Taking note of the note by the Secretary-General on the geographical composition and functions of the staff of the Centre for Human Rights (A/50/682) submitted to the General Assembly pursuant to Commission resolution 1995/61,

Taking note with appreciation of the report of the Office of Internal Oversight Services on the programme and administrative practices of the Centre for Human Rights (A/49/892, annex) in which the Office recognized the necessity of restructuring the secretariat of the Centre,

Expressing its concern once again at the underrepresentation of the developing countries on the staff of the Centre for Human Rights, in particular taking into account the criteria of equitable geographical distribution,

1. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for the recruitment of the staff of the Organization, in particular taking into account the criteria of equitable geographical distribution;

2. Considers that it is necessary, within the ongoing process of the restructuring of the Centre for Human Rights, to take urgent, concrete and immediate steps to change the prevailing distribution of posts of the staff of the Centre for Human Rights in favour of an equitable geographical distribution of those posts in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts;

3. Requests the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment for the Centre for Human Rights of personnel from developing countries, for the existing vacancies as well as for additional ones, to ensure equitable geographical distribution, giving priority in particular in this regard to recruitment to high-level and Professional posts and to the recruitment of women;

4. Requests once again the Secretary-General, in signing agreements with countries as a result of which junior professional officers are provided to the Centre for Human Rights, to urge those countries to ensure additional financial resources to guarantee that personnel from developing countries are able to work as junior professional officers, with a view to conforming to the principle of equitable geographical distribution and, in this regard, to establish a permanent mechanism by virtue of which, for each junior professional officer from a donor country joining the Centre, another junior professional officer from a developing country would also join the Centre;

5. Urges the Secretary-General to submit a comprehensive report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the implementation of the present resolution, including measures adopted and their results, and recommendations for improving the present situation;

6. Decides to consider this matter under the same agenda item at its fifty-third session.

58th meeting
23 April 1996
[Adopted by a roll-call vote of 33 votes to 16, with 4 abstentions. See chap. IX.]

1996/66. Situation of human rights in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1995/71 of 8 March 1995,

Guided by the principles embodied in the Charter of the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Bearing in mind that, since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has received the advisory services of the Special Rapporteur and the Centre for Human Rights, while some progress has been observed in the human rights situation,

Taking note of the fact that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, as well as the Convention on the Elimination of All Forms of Discrimination against Women,

Mindful that it is essential that all the political tendencies and political parties should play an active part in political and social life in order to ensure effective transition to a democratic and pluralist society,

Taking note of the holding of the first multi-party legislative elections in 1993, the first multi-party municipal elections in 1995 and the first multi-candidate presidential election in February 1996,

Taking note with satisfaction of the fact that, in August 1995, the Government of Equatorial Guinea took steps to grant pardon and amnesty to a number of prisoners, as requested by the Special Rapporteur on his visit to Equatorial Guinea on 3 May 1995,

Taking note of the report of the Special Rapporteur (E/CN.4/1996/67 and Add.1),

Aware that it is essential to ensure full observance of human rights and fundamental freedoms in Equatorial Guinea,

1. Expresses its thanks to the Special Rapporteur for his report;

2. Calls upon the Government of Equatorial Guinea to take all necessary measures to promote the harmonious coexistence of all the ethnic groups making up the society of Equatorial Guinea;

3. Notes with interest that the democratic transition process in Equatorial Guinea has so far led to the holding of the first multi-party legislative elections in 1993, the first multi-party municipal elections in 1995 and the first multi-candidate presidential election in February 1996;

4. Expresses its deep concern at the fact that the presidential election of 25 February 1996 did not guarantee transparency and did not allow the proper participation of all the political forces;

5. Encourages the Government of Equatorial Guinea to continue the dialogue with all the political forces with a view to ensuring progress in the democratization of the country;

6. Invites the Government of Equatorial Guinea to continue the reform of the electoral legislation in conformity with the recommendations of the United Nations electoral adviser and those of the Special Rapporteur contained in his report;

7. Also encourages the Government of Equatorial Guinea to ensure the participation of all citizens in the country's political, social and cultural life;

8. Calls upon the Government of Equatorial Guinea to continue improving the conditions of prisoners and detainees;

9. Encourages the Government of Equatorial Guinea to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination;

10. Calls upon the Government of Equatorial Guinea to continue to take the measures necessary to ensure that the police and security forces and other officials vested with authority put a stop to the violation of human rights;

11. Invites the Government of Equatorial Guinea to ensure that perpetrators of human rights violations are brought to justice, in order to put a stop to impunity and arbitrary arrest and detention, which are sometimes accompanied by torture and other cruel, inhuman or degrading treatment or punishment;

12. Encourages the Government of Equatorial Guinea to continue taking the measures necessary to improve the situation of women in that country;

13. Also encourages the Government of Equatorial Guinea to continue its efforts to improve the functioning of the administration of justice and to guarantee the independence and impartiality of judges and magistrates;

14. Urges the Government of Equatorial Guinea to draw up and implement the National Plan for the United Nations Decade for Human Rights Education, 1995-2004;

15. Requests the Secretary-General to continue to provide the Government of Equatorial Guinea with the technical assistance and advisory services necessary to implement the recommendations contained in the Special Rapporteur's report;

16. Decides to renew the mandate of the Special Rapporteur for one year;

17. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

18. Requests the Special Rapporteur to report to the Commission at its fifty-third session;

19. Decides to consider the question at its fifty-third session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

58th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/67. Situation of human rights in Togo

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights,

Recalling its resolution 1995/52 of 3 March 1995,

Taking account of the progress achieved in the area of human rights and national reconciliation,

Noting with satisfaction the signing, on 23 March 1996, of an agreement between the United Nations and the Government of Togo on a human rights technical assistance programme,

1. Takes note with interest of the report of the Secretary-General (E/CN.4/1996/89);

2. Strongly urges the Togolese Government to continue its efforts aimed at the strengthening of human rights and the consolidation of democracy and the rule of law;

3. Invites the Togolese Government and the Centre for Human Rights to do everything possible to ensure the proper execution of the technical assistance programme provided for under the agreement of 23 March 1996;

4. Decides to terminate consideration of this question.

58th meeting
23 April 1996
[Adopted without a vote. See chap. XVII.]

1996/68. Human rights situation in southern Lebanon and West Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and West Bekaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the IVth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Censuring the repeated Israeli aggressions in southern Lebanon and West Bekaa, which have caused a large number of deaths and injuries among civilians and the destruction of many dwellings and public buildings,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council as well as of the will of the international community and the conventions in force on this matter,

Hoping that the efforts made in order to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the occupied zone in southern Lebanon and West Bekaa and that the peace negotiations will continue with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention by Israel of many Lebanese citizens in the detention centres of Khiyam and Marjayoun, and at the death of some of these detainees as a result of ill-treatment and torture,

Reaffirming its resolution 1995/67 of 7 March 1995, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and West Bekaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombing of peaceful villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices, consisting in air raids and the use of prohibited weapons such as fragmentation bombs, and to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to release immediately all the Lebanese who have been abducted and imprisoned and other persons detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to commit itself to allowing the International Committee of the Red Cross and other international humanitarian organizations operating in the region to periodically visit the detention centres of Khiyam and Marjayoun and to verify the sanitary and humanitarian conditions of the detainees and, in particular, the circumstances which led to the death of some of them as a result of ill-treatment and torture;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the results of his efforts in this regard;

7. Decides to continue its consideration of the human rights situation in southern Lebanon and West Bekaa at its fifty-third session.

59th meeting
23 April 1996

[Adopted by a roll-call vote of 50 votes to 11, with 2 abstentions. See chap. X.]

1996/69. Human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1995/66 of 7 March 1995 regarding the extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 50/198 of 22 December 1995 regarding the situation of human rights in Cuba,

Recognizing with deep appreciation the efforts of the Special Rapporteur to carry out the mandate concerning the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Noting with deep regret the continued failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to permit him to visit Cuba in order to fulfil his mandate,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur (E/CN.4/1996/60),

Deeply concerned at information in the report of the Special Rapporteur on arbitrary arrests, beatings, imprisonment, harassment and threats, including loss of employment, against human rights defenders and others who are engaged in the peaceful exercise of their rights,

Profoundly concerned at continued violations in Cuba of fundamental human rights and freedoms enumerated in the Universal Declaration of Human Rights, such as freedoms of thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

Deploring, in this regard, the detention and harassment of approximately 100 members of the pro-democracy organization Concilio Cubano and the fact they have been prevented from convening freely and expressing their convictions,

Dismayed by the loss of human life and disregard for human rights norms shown by the Government of Cuba in shooting down two unarmed civilian aircraft on 24 February 1996,

Welcoming the authorization granted to a delegation comprising representatives of four international human rights organizations to visit Cuba, and encouraging the Government of Cuba to grant further access to such organizations,

Welcoming also the ratification by the Government of Cuba of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Takes note with appreciation of the report of the Special Rapporteur;

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Regrets profoundly the numerous reports of violations of human rights and fundamental freedoms that are described in the report of the Special Rapporteur, and expresses particular concern at prevailing intolerance for freedom of speech and assembly in Cuba;

5. Calls upon the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international humanitarian agencies;

6. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

7. Extends the mandate of the Special Rapporteur for one year;

8. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

9. Recommends that the existing mechanisms of the Commission on Human Rights, in particular the Working Group on Arbitrary Detention, in the discharge of its mandate, continue giving attention to the situation in Cuba and visit Cuba in accordance with the discussions of the United Nations High Commissioner for Human Rights with the Government of Cuba;

10. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

11. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

12. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session on the results of his endeavours pursuant to the present resolution.

59th meeting
23 April 1996
[Adopted by a roll-call vote of 20 votes to 5, with 28 abstentions. See chap. X.]

1996/70. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993, 1994/70 of 9 March 1994 and 1995/75 of 8 March 1995, and taking note of the report of the Secretary-General on the question (E/CN.4/1996/57),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-third session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-third session.

59th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/71. Situation of human rights in the Republic of Bosnia and Herzegovina, the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and all other relevant instruments relating to human rights and international humanitarian law,

Reaffirming all relevant resolutions of the Commission, the General Assembly and the Security Council on this subject, in particular its own resolutions 1992/S-1/1 of 14 August 1992, 1995/35 of 3 March 1995 and 1995/89 of 8 March 1995, especially its paragraph 3, General Assembly resolutions 50/190 and 50/193 of 22 December 1995 and Security Council resolutions 1031 (1995) of 15 December 1995 and 1035 (1995) of 21 December 1995,

Convinced that a full and objective account of violations of human rights will contribute to building confidence among the parties, thus promoting reconciliation and democratization,

Stressing the importance of the promotion and protection of all human rights and fundamental freedoms,

Recognizing the important work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to Security Council resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

Recognizing also that, while individuals of all parties to the conflict have committed atrocities, a considerable number of Bosnian Serbs, including in the military and civilian leadership, and among combatants at all levels, are responsible for the preponderance of violations of human rights and international humanitarian law since the beginning of the conflict,

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto, initialled in Dayton, Ohio on 21 November 1995 and signed in Paris on 14 December 1995 (together, the "peace agreement") (A/50/790-S/1995/999) and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995 (S/1995/951, annex) and for Security Council resolution 1037 (1996) of 15 January 1996, which establishes the United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Slavonia,

Convinced that the successful functioning of the mechanisms established in accordance with annex 6 to the peace agreement, in particular the Commission on Human Rights for Bosnia and Herzegovina and its two components, the Human Rights Chamber and the Office of the Ombudsman, which constitute central elements for the protection of human rights, will help to build the foundations for a democratic, multi-ethnic society in the State of Bosnia and Herzegovina,

Expressing its support for the efforts of the Organization for Security and Cooperation in Europe mission to monitor and strengthen respect for human rights and fundamental freedoms in the State of Bosnia and Herzegovina, to establish a climate of dialogue and confidence between its peoples and to contribute to an environment conducive to the conduct of free and fair elections,

Dismayed by the huge number of missing persons, many of whom may be buried in mass graves, as a consequence of the continuing practice of ethnic cleansing and of the armed conflict in the territory of the former Yugoslavia, particularly in the State of Bosnia and Herzegovina and the Republic of Croatia,

Welcoming the report of the expert member of the Working Group on Enforced or Involuntary Disappearances on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1996/36), as well as the establishment of the Expert Group on Exhumation and Missing Persons chaired by the Office of the High Representative,

Commending the positive efforts undertaken by the International Committee of the Red Cross to re-establish links among relatives separated by the conflict and to trace persons unaccounted for and to inform their families accordingly,

Commending also the United Nations High Commissioner for Refugees for her action in support of the humanitarian operation during the period of conflict and her activities in the implementation of annex 7 to the peace agreement,

Reaffirming the vital importance of freedom of movement and the right of return for all persons, and noting the commitments made in the peace agreement (annex 7) that persons have the right to return to their homes in safety and dignity, and have their property restored or receive compensation for property that cannot be restored to them,

Encouraging the international community, acting through the United Nations, the Organization for Security and Cooperation in Europe, the International Committee of the Red Cross and other international organizations as well as bilaterally, to continue humanitarian support for the people of these countries to ensure that lasting solutions are found for displaced persons and refugees through a process of early, peaceful, orderly and phased return and to give close attention to the protection of human rights in the repatriation of refugees and the return of displaced persons to their homes of origin, paying special attention to the situation of returning women and children,

Welcoming the agreement by the parties to the peace agreement to ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment, the protection of the right to vote in secret without fear or intimidation, freedom of expression and of the media and freedom of association,

Underlining the relationship between the fulfilment by the parties of their human rights commitments and the readiness of the international community to commit resources for reconstruction and development,

Gravely concerned at reports by the Special Rapporteur and the Secretary-General, of grave and massive violations of international humanitarian law and of human rights, in particular, in and around Srebrenica and Zepa and in the areas of Banja Luka and Sanski Most, including reports of mass murder, unlawful detention and forced labour, rape and expulsion of civilians,

Deeply concerned by the information contained in the reports of the Secretary-General on rape and abuse of women in the areas of armed conflict in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina (A/48/858 and A/50/329),

Expressing its particular concern for the situation of children and the elderly as well as other vulnerable groups in these countries,

Stressing that effective cooperation of the Governments of the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), with the assistance of parties and organizations in a position to help, in resolving the problem of missing persons represents a critical test of their commitment to the peace process and restoration of confidence in the region,

Deeply concerned as well at the situation of human rights throughout the Federal Republic of Yugoslavia (Serbia and Montenegro), particularly in Kosovo, but also in Sandjak and in Voyvodina,

Expressing its concern also at the situation of human rights in the Republic of Croatia, in particular in the former United Nations Sectors South and North, Eastern Slavonia, Baranja and Western Sirmium, and in this context welcoming the statement on the Republic of Croatia by the President of the Security Council on 23 February 1995 (S/PRST/1996/8),

Emphasizing the important role that religious leaders and organizations should have in bringing about reconciliation, and encouraging the parties to find ways to rebuild places of worship and cultural sites destroyed during the conflict, especially in the State of Bosnia and Herzegovina as well as in the Republic of Croatia,

Underlining the necessity for all the actors in the field of human rights to coordinate their efforts,

I

Violations of human rights

1. Condemns in the strongest terms all violations of human rights and international humanitarian law during the conflict, in particular in areas which were under the control of the self-proclaimed Bosnian and Croatian Serb authorities, in particular massive and systematic violations, including, inter alia, systematic ethnic cleansing, killings, disappearances, torture, rape, detentions, beatings, arbitrary searches, burning and looting of houses, shelling of residential areas, illegal and forcible evictions and other acts of violence aimed at forcing individuals from their homes, and reaffirms that all persons who plan, commit or authorize such acts will be held personally responsible and accountable;

2. Expresses its outrage that the abominable, deliberate and systematic practice of rape has been used as a weapon of war in the Republic of Bosnia and Herzegovina, recognizes that rape in this context constitutes a war crime, and calls for protection and care of rape victims, respect for the special needs of victims of sexual violence in the investigation and prosecution of alleged violations, and punishment of those responsible;

3. Expresses its concern over continuing human rights violations within the State of Bosnia and Herzegovina and delays in fully implementing the human rights provisions of the peace agreement, including:

(a) Continuing restrictions on freedom of movement both within the Republika Srpska, within the Federation and between the Republika Srpska and the Federation;

(b) Actions that undermine the principle of right to return, including enforcement of legislation which restricts rights to claim "socially owned" property throughout the State of Bosnia and Herzegovina, unjustified evictions of persons from their homes and resettlement of displaced persons in homes which, under the agreement reached in Geneva on 18 March 1996, should remain vacant for six months;

(c) Continuing unauthorized arrests by all parties of persons suspected of serious violations of international humanitarian law, despite the parties' agreement in Rome on 18 February 1996 that such arrests would be made only after the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 had reviewed and approved orders of arrest as consistent with international legal standards;

II

International Tribunal

4. Supports fully the efforts of the International Tribunal aimed at the prosecution and trial of persons accused of having committed serious violations of international humanitarian law in the territory of the former Yugoslavia since 1991, and requests States, as a matter of urgency, to continue to make available to the Tribunal adequate resources to aid in the fulfilment of its mandate;

5. Demands that all States and parties to the peace agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolution 827 (1993) of 25 May 1993, including with respect to surrendering persons sought by the Tribunal;

6. Expresses its outrage over the failure of parties to arrest and surrender persons indicted by the Tribunal in violation of the peace agreement, demands that all States arrest, detain and facilitate the transfer of such persons to the custody of the Tribunal and ensure adequate protection of witnesses who have appeared before the Tribunal, and urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and authorities in the Republika Srpska to allow the establishment of offices of the Tribunal in their territories;

III

Framework Agreement

7. Emphasizes that the Framework Agreement and the annexes thereto commit the parties to secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, including the right to life, liberty and security of person;

8. Expects the parties to ensure that the constitutional court, the Commission on Human Rights for Bosnia and Herzegovina and its two parts, the Office of the Ombudsman and the Human Rights Chamber, are fully supported and their decisions respected;

9. Also expects the parties to cooperate fully with the international mechanisms that have mandates involving human rights, including the High Representative, the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe and other international, regional as well as non-governmental organizations;

10. Commends the United Nations High Commissioner for Human Rights for his activities in the implementation of the peace agreement, in particular by developing and conducting training for international monitors, including for the missions of the Organization for Security and Cooperation in Europe and the International Police Task Force, and making available to the High Representative human rights experts, and for continuing to support the work of the Special Rapporteur and the expert in charge of the special process dealing with missing persons, and calls upon all States to provide the High Commissioner with the necessary resources;

11. Urges all organizations involved in human rights monitoring, including the Organization for Security and Cooperation in Europe and the International Police Task Force, to ensure that persons with expertise in investigating and working with victims of sexual assault are included among the human rights monitors, and encourages the High Representative to support these efforts in his coordinating role;

12. Acknowledges the release of prisoners, insists that all parties continue to fulfil their commitments in conformity with the peace agreement to release without delay all civilians and combatants detained in relation to the conflict, and demands that the parties cooperate fully with the International Committee of the Red Cross in this regard;

13. Recalls the relationship, as described at the London Conference, between the fulfilment by the parties of their commitments in the peace agreement and the readiness of the international community to commit resources for reconstruction and development;

14. Insists that the parties, in conformity with the peace agreement (annex 7, art. 5), provide information through the tracing mechanisms of the International Committee of the Red Cross on all persons unaccounted for;

IV

Building for the future

15. Stresses that primary responsibility for the promotion of free, fair and democratic elections, to be held under the auspices of the Organization for Security and Cooperation in Europe and other international organizations, for laying the foundation for representative government and for ensuring the progressive achievement of democratic goals and the building of a tolerant, multi-ethnic society lies with the people of the State of Bosnia and Herzegovina, in particular through the central Government and the governments of the entities as well as through, inter alia, religious communities, humanitarian organizations and non-governmental organizations;

16. Insists that the parties abide by their commitments to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the press, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement;

17. Appeals to the international community to support such efforts and, in particular, the promotion of democratic institutions in the Federal Republic of Yugoslavia (Serbia and Montenegro), the State of Bosnia and Herzegovina and the Republic of Croatia, inter alia by improving the administration of justice and the functioning of free media and by fostering a culture of respect for human rights;

18. Encourages all Governments to respond favourably to the United Nations revised consolidated inter-agency appeal for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia and Slovenia to assist refugees, internally displaced persons and other war-affected people to rebuild their lives, in particular the activities proposed by the United Nations High Commissioner for Human Rights;

19. Also encourages all Governments to respond favourably to the joint appeal from the High Representative, the Organization for Security and Cooperation in Europe and the Council of Europe for voluntary contributions to the Organization for Security and Cooperation in Europe fund established to finance the Commission on Human Rights for Bosnia and Herzegovina, other institutions of justice and elections in this State;

V

Immediate steps

20. Welcomes positive developments which contribute to reducing human rights violations in the area, including increased access being provided to the International Committee of the Red Cross and other humanitarian organizations, increased cooperation by all parties with the Office of the United Nations High Commissioner for Refugees and the opening of field offices of the Centre for Human Rights in the Federal Republic of Yugoslavia (Serbia and Montenegro) and in Eastern Slavonia;

21. Urges the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the State of Bosnia and Herzegovina and the authorities of its entities - the Federation of Bosnia and Herzegovina and the Republika Srpska - to facilitate, with the assistance of the international community, the safe and dignified return of refugees and displaced persons to their homes, honouring fully the commitments undertaken under the peace agreement in regard to human rights and refugee issues (annexes 6 and 7);

22. Calls upon the Government of the Republic of Croatia to respect fully the rights of the local Serb population including their right to remain, leave or return in dignity and safety, allow continued access to this population by humanitarian organizations and create conditions conducive to the return of those persons who have left or were forced to leave their homes, as demanded by the Security Council in its resolution 1009 (1995) of 10 August 1995, and pursue vigorously prosecutions against those suspected of past violations of international humanitarian law and human rights, while ensuring that the rights to a fair trial and to legal representation are afforded to all persons suspected of such crimes;

23. Expresses its full support for the plans of the United Nations Transitional Authority in Eastern Slavonia to organize the return in dignity and safety of Croatian and other non-Serb refugees who were forcibly expelled from their homes;

24. Strongly urges the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and the State of Bosnia and Herzegovina and the authorities of the Federation of Bosnia and Herzegovina and the Republika Srpska to take immediate and effective steps to build confidence among people in order to prevent new mass exoduses of populations, calls upon the Republika Srpska and the Federation to adopt amnesty laws, and deplores reported arrests inconsistent with the amnesty law adopted by the State of Bosnia and Herzegovina;

25. Strongly urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation and to apply all other legislation without discrimination, release all political detainees, allow the free return of ethnic Albanian refugees to Kosovo and take appropriate measures to respect fully all human rights and fundamental freedoms, including freedom of the press and freedom of movement and freedom from discrimination in the field of education and information, and to stop discrimination against and guarantee fully the rights of all persons belonging to any ethnic, national, religious or linguistic minority;

26. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate action to put an end to the repression of and prevent violence against non-Serb populations in Kosovo, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention, unfair trials, arbitrary unjustified evictions and dismissals, and also to respect the rights of persons belonging to minority groups in Sandjak and Vojvodina and of persons belonging to the Bulgarian minority;

27. Also urgently demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) allow ethnic Albanians in Kosovo to participate fully in the life of Kosovo without discrimination and to enjoy political and educational rights, including by allowing the establishment of democratic institutions, and the right to seek, receive and impart information and ideas through any media and, in particular to improve the situation of ethnic Albanian women and children, and to allow an international presence for monitoring of the human rights situation in Kosovo;

28. Reiterates its call to all parties in the Federal Republic of Yugoslavia (Serbia and Montenegro) to engage in a substantive dialogue, to act with the utmost restraint and to settle disputes peacefully and with full respect for human rights, and calls especially upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to pursue dialogue with representatives of ethnic Albanians in Kosovo;

29. Emphasizes that improvements in the promotion and protection of human rights and political freedoms in Kosovo and the rest of its territory as well as cooperation with the Tribunal will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) to establish the full range of relations with the international community;

VI

Cooperation and coordination

30. Calls upon the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and the State of Bosnia and Herzegovina to ensure full and free access to their territories to all institutions concerned with the implementation of the present resolution, including non-governmental organizations;

31. Requests the Governments of the territories within the mandate of the Special Rapporteur to cooperate with her and provide her on a regular basis with information about the actions they are undertaking to implement her recommendations;

32. Urges all bodies concerned with the situation in the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and with the implementation of the peace agreement, inter alia the relevant United Nations bodies, the High Representative, the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe, to coordinate their activities closely and to exchange on a continuing basis all relevant information in their possession on the situation in these territories, particularly through the Human Rights Coordination Centre that has been established to address this issue;

VII

Missing persons

33. Commends the expert member of the Working Group on Enforced or Involuntary Disappearances for his report on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1996/36);

34. Draws attention to the need for immediate and urgent efforts to determine the fate of missing persons, including, in cases where other means of determining the fate of the missing have proven unsuccessful and upon the recommendation by qualified experts that exhumation will provide an efficient means for resolving cases that are unlikely to be resolved by other means, an eventual examination by such experts of mass grave sites or sites where arbitrary executions or killings of many thousands of persons are reported to have taken place, in particular, near Srebrenica, Zepa, Prijedor, Sanski Most and Vukovar, and the communication of any determination to the families of the missing, and

(a) Requests that the expert member of the Working Group on Enforced or Involuntary Disappearances, in conjunction with his mandate for the special process dealing with the problem of missing persons in the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), the International Tribunal, the High Representative, the Special Rapporteur and the International Committee of the Red Cross coordinate their efforts to this end, within their respective mandates, particularly through the Expert Group on Exhumations and Missing Persons established under the authority of the High Representative, and that they prepare a comprehensive plan for dealing with this question in the State of Bosnia and Herzegovina as well as in the Republic of Croatia;

(b) Underlines in this respect the need for the establishment of an ante mortem database to assist with identification of the dead before large-scale exhumations can be considered;

(c) Recalls the commitment of the Implementation Force to work to provide a secure environment for these tasks;

(d) Strongly reminds the parties of their commitment, made in Rome on 17 February 1996, to provide unrestricted access to the sites described above;

(e) Demands that all parties refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of human rights and international humanitarian law and that they preserve such evidence;

(f) Also demands that all parties cooperate fully with the expert for the special process, the Expert Group and the International Committee of the Red Cross Working Group on Missing Persons by providing all relevant information to aid in determining the fate of missing persons in conformity with their obligations under the peace agreement;

35. Reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its responsibility to investigate enforced

disappearances, enhance its cooperation with the Republic of Croatia and with the State of Bosnia and Herzegovina in tracing missing persons and to provide complete and precise information on this subject, calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to its bilateral agreement with the Republic of Croatia to this effect, to accept similar bilateral arrangements with the State of Bosnia and Herzegovina and to respond positively to the efforts of the expert for the special process, including by attending high-level intergovernmental meetings to this end;

36. Requests the expert for the special process to assume responsibility for securing appropriate support, including financial assistance, for the activities of the Expert Group, and requests the international community to make available the necessary means for this undertaking;

37. Recommends to this end that the United Nations High Commissioner for Human Rights provide, through existing voluntary funding mechanisms, means to assist the expert for the special process to secure the necessary financial assistance;

38. Decides to extend for one year the mandate of the expert for the special process dealing with missing persons, and requests him to continue to report to the Commission on this matter;

39. Requests the Secretary-General to continue providing the special process on missing persons with the necessary resources, so that it can perform its functions continuously and expeditiously;

VIII

Special Rapporteur

40. Commends both the former and the current Special Rapporteur of the Commission on Human Rights on the situation of human rights in the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) for their efforts, welcomes the report of the Special Rapporteur, and calls on the Governments of these States to continue to support the work of the Special Rapporteur;

41. Notes with concern that the past recommendations of the Special Rapporteur have been implemented only in part, and urges the parties, all States and relevant organizations to give immediate consideration to them;

42. Urges Member States to take into account the Special Rapporteur's recommendation that major reconstruction aid for the State of Bosnia and Herzegovina must be made conditional on demonstrated respect for human rights, and emphasizes in that respect the necessity of cooperation with the International Tribunal;

43. Recommends that the United Nations High Commissioner for Human Rights maintain his offices in the former Yugoslav Republic of Macedonia for the purpose of maintaining cooperation and dialogue with the Government;

44. Requests the Special Rapporteur, in addition to the activities mandated in its resolution 1994/72 of 9 March 1994 and in order to increase coordination with other actors in the field of human rights and to promote reconciliation among the parties:

(a) To establish a plan for her reporting on the human rights situation in the State of Bosnia and Herzegovina, particularly relating to ongoing abuses of human rights;

(b) To support the High Representative's efforts to report on the implementation of the peace agreement by providing information and recommendations concerning compliance with the human rights elements of the agreement;

(c) To continue to compile an overview of the human rights situation since 1991 in coordination with relevant human rights organizations and the International Tribunal;

45. Decides to extend for one year the mandate of the Special Rapporteur as revised in the present resolution, and requests that she continue her vital efforts, especially by carrying out missions to:

(a) The State of Bosnia and Herzegovina;

(b) The Republic of Croatia;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), in particular to Kosovo, as well as to Sandjak and Vojvodina, and that she continue to submit periodic reports to the Commission on Human Rights and the General Assembly and to exchange information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and requests the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the Organization for Security and Cooperation in Europe;

46. Urges the Secretary-General, from within existing resources, to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and in particular to provide her with adequate staff based in those territories to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved;

47. Decides to continue its examination of this question at its fifty-third session under the same agenda items.

59th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/72. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling that human rights and fundamental freedoms are the birthright of all human persons and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling further Security Council resolution 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil up to the amount of 1 billion United States dollars every 90 days, on a renewable basis, to be used to purchase essential food and medical supplies for humanitarian purposes, and welcoming the acceptance by the Government of Iraq of the Secretary-General's invitation to enter into discussion on this issue with the United Nations Secretariat,

Recalling in particular its resolution 1991/74 of 6 March 1991, in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling also its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including resolution 1992/71 of 5 March 1992, in which it requested the Special Rapporteur to continue to pursue his mandate and to visit again the northern area of Iraq in particular, as well as resolution 1995/76 of 8 March 1995, in which it extended the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its fiftieth session and a report to the Commission at its fifty-second session,

Recalling further the pertinent resolutions of the General Assembly, in particular resolution 50/191 of 22 December 1995, in which the Assembly, deeply concerned at the overall human rights situation in Iraq, decided to continue its consideration of the situation of human rights in Iraq at its fifty-first session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned at the persisting massive and grave violations of human rights by the Government of Iraq, regarding which there are no signs of improvement, such as summary and arbitrary executions, the enactment and implementation of decrees prescribing cruel and inhuman punishments, torture and other cruel, inhuman or degrading treatment, arbitrary arrests and detentions, lack of due process, non-respect for the rule of law and the suppression of freedom of thought, of expression and of association, as well as the persistence of specific discrimination within the country as regards access to food and health care, which amounts to a violation of the economic and social rights of Iraqis,

Reaffirming that the Government of Iraq is held to respect the right to life, personal security and the rule of law in Iraq, and that the extrajudicial killing of persons considered to be hostile to the regime is a grave violation of international human rights standards,

Deeply disturbed by reports about the climate of oppression and the dire economic and social situation in the south of Iraq,

Noting the responsibility of the Iraqi authorities with regard to persons missing and detained as a result of the Iraqi occupation of Kuwait, and noting also that Iraq has recently renewed its participation in the Tripartite Commission established pursuant to the cease-fire agreement of 1991,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq, that there is now little in the way of even formal cooperation extended to the Special Rapporteur by the Government of Iraq and in particular that full replies have still not been given to the many questions the Special Rapporteur has put to the Government of Iraq in previous years,

Expressing concern at the exceptional gravity of the human rights situation in Iraq and, therefore, endorsing the Special Rapporteur's repeated proposals for the deployment of a team of human rights monitors and for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

Welcoming in that respect the sending of two fact-finding missions in order to obtain supplementary information and testimonies from Iraqi citizens who recently fled Iraq, victims of severe human rights violations for which the Government of Iraq has general responsibility under international law,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1996/61) and the conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive and extremely grave violations of human rights for which the Government of Iraq is fully responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror, in particular:

(a) Summary and arbitrary executions, including political killings;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of decrees prescribing cruel and unusual punishment, namely mutilation, as a penalty for certain offences and the abuse and diversion of medical-care services for the purpose of such mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, information, expression, association and assembly, through fear of arrest, imprisonment and other sanctions, including the death penalty, as well as harsh limitations on freedom of movement;

3. Calls upon the Government of Iraq to resolve the cases of disappearances of Kuwaitis and nationals of other States by providing detailed information on all persons deported from or arrested in Kuwait between 2 August 1990 and 26 February 1991 and on those who were executed or died in detention during or after that period, as well as on the location of their graves, and also calls in particular upon the Government of Iraq:

(a) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(b) To step up its cooperation with the Tripartite Commission aimed at discovering the whereabouts and resolving the fates of the remaining several hundred missing persons and prisoners of war, Kuwaitis and third-country nationals who disappeared during or subsequent to the illegal Iraqi occupation of Kuwait;

(c) To establish immediately a national commission on disappearances and take appropriate steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of those who disappeared;

(d) To pay appropriate compensation to the families of persons who died while in the custody of Iraqi authorities or for whom the Government of Iraq is responsible and has so far failed to account, through the mechanism established by Security Council resolution 692 (1991) of 20 May 1991;

4. Takes note of recent negotiations indicating some willingness on the part of the Government of Iraq to discuss the modalities of implementing the "oil for food" formula, and urges the Government of Iraq to cooperate with the United Nations to come to a conclusion of those negotiations in order to purchase urgently needed food and medical supplies for humanitarian purposes, as authorized by the Security Council in its resolution 986 (1995) of 14 April 1995;

5. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

6. Demands that the Government of Iraq:

(a) Bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(b) Restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(c) Abrogate all decrees that prescribe cruel and inhuman punishment or treatment and take every step necessary to ensure that all persons arbitrarily detained are immediately released and that the practice of torture and cruel and unusual punishments and treatment no longer occurs;

(d) Abrogate also all laws and procedures, including Revolution Command Council Decree No. 840, of 4 November 1986, that penalize the free expression of competing views and ideas, and to ensure that the genuine will of the people shall be the basis of authority in the State;

(e) Having sole responsibility in this regard, remove the internal embargo on the northern region, which permits essentially no exceptions for humanitarian needs, eliminate its discriminatory practices restricting access to food and health care in the southern region and cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

(f) Cease immediately its repressive practices aimed at the Iraqi Kurds and other minorities, as well as the population of the southern marsh area, cooperate in the identification of minefields existing throughout Iraq with a

view to facilitating their marking and eventual clearing and cooperate with international aid agencies to provide humanitarian assistance in the northern and southern areas of the country;

7. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

8. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to take the necessary measures in order to send a team of human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

9. Decides to extend for a further year the mandate of the Special Rapporteur, as contained in Commission resolutions 1991/74 of 6 March 1991, 1992/71 of 5 March 1992, 1993/74 of 10 March 1993, 1994/74 of 9 March 1994 and 1995/76 of 8 March 1995;

10. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, in particular during his next visit to Iraq;

11. Requests the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session;

12. Requests the Secretary-General to provide appropriate additional resources, from within existing overall United Nations resources to fund the sending of human rights monitors;

13. Decides to continue its consideration of the situation of human rights in Iraq, under the same agenda item, at its fifty-third session.

60th meeting
23 April 1996

[Adopted by a roll-call vote of 30 votes to none, with 21 abstentions. See chap X.]

1996/73. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling the obligation by all parties to respect international humanitarian law,

Recalling also resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held in Dakar from 29 June to 1 July 1992, and recalling the Addis Ababa agreement of July 1990,

Recalling further General Assembly resolution 50/197 of 22 December 1995 on the human rights situation in the Sudan and its own resolution 1995/77 of 8 March 1995, also on the human rights situation in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, reports submitted to the Commission on Human Rights by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on religious intolerance and the Chairmen of the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances,

Noting also with concern the latest reports of the Special Rapporteur on the situation of human rights in the Sudan to the General Assembly (A/50/569, annex) and to the Commission (E/CN.4/1996/62),

Welcoming the announcement on 23 August 1995 by the Government of the Sudan of a national amnesty and the release of political detainees,

Deeply concerned about the continuing human rights violations and abuses by all parties engaged in the conflict in the Sudan, as reported by the Special Rapporteur in his most recent report,

Deeply concerned also about continued acts of indiscriminate and deliberate aerial bombardment by the Government of the Sudan of civilian targets in southern Sudan, including humanitarian relief operations, in clear violation of international humanitarian law, which have added to the suffering of the civilian population and resulted in casualties to civilians, including relief workers,

Deeply concerned further that access of international relief organizations to civilian populations critically at risk, despite some improvement in certain areas, continues to be severely impeded, violating international humanitarian law and the tripartite access agreement between the Government, southern opposition groups and Operation Lifeline Sudan, and representing a threat to human life that constitutes an offence to human dignity,

Expressing the hope that the continuing dialogue between the Government of the Sudan and other parties and donor Governments, Operation Lifeline Sudan and international private voluntary agencies will result in improved cooperation for the delivery of humanitarian assistance to all persons in need,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountain region, especially women, members of minorities and children who have been forcibly displaced in violation of their human rights and who are in need of relief, assistance and protection,

Deeply concerned about continued reports of activities such as slavery, servitude, the slave trade and forced labour, the sale and trafficking of children, their abduction and forced internment at undisclosed locations, ideological indoctrination or cruel, inhuman or degrading punishments, especially but not exclusively affecting displaced families and women and children belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingessana Hills areas,

Gravely concerned about the failure of the Government of the Sudan to investigate actively reports of some of these practices, especially in the light of the fact that it is reported that they have frequently been carried out by agents acting under government authority or taking place with the knowledge of the Government of the Sudan,

Taking note of recent efforts reported by the Government of the Sudan to begin investigation of cases of disappearance and of slavery, servitude, the slave trade, forced labour and similar practices in the Sudan, as well as to propose measures to put an end to verified instances of the latter practices, as urged by the General Assembly in resolution 50/197,

Alarmed by the continuing exodus of refugees into neighbouring countries, conscious of the burden that this places on those countries, and expressing its appreciation of the efforts of host countries and of the international community to assist the refugees,

Gravely disturbed by the failure of the Government to provide full and impartial investigations and reports on human rights violations and abuses, especially those linked to the disappearance or killing of Sudanese employees of foreign relief organizations,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices as reported by the Special Rapporteur in his latest reports, including civil and judicial discrimination against women,

Expressing serious concern about reports of religious persecution and forced conversion in government-controlled areas of the Sudan,

Welcoming the dialogue and contacts between non-governmental organizations and the religious minorities in the Sudan, aimed at improving relations between the Government of the Sudan and the religious minority groups,

Welcoming also the invitations to visit the Sudan extended by the Government of the Sudan to the Special Rapporteurs on religious intolerance and on freedom of expression, as also suggested by the General Assembly in resolution 50/197,

Noting the establishment by the Government of the Sudan of National Committees for Human Rights Education,

Taking note of the elections conducted in the Sudan in March 1996, noting the remarks made in that connection by the Election Observer Mission of the Organization of African Unity, and expressing the hope that this first step will lead to the holding of free and fair elections,

1. Welcomes the most recent report of the Special Rapporteur (E/CN.4/1996/62), and expresses its support for his work;

2. Expresses its deep concern at continued serious human rights violations in the Sudan, including summary executions, extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture, and denial of the freedom of expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;

3. Expresses its outrage at the use of military force by all parties to the conflict to disrupt or attack relief efforts aimed at assisting civilian populations, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

4. Renews its call to the Government of the Sudan fully to respect human rights, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

5. Deeply regrets the fact that, since 1993, the Government of the Sudan has persisted in its refusal to cooperate with the Special Rapporteur in his efforts to carry out his mandate in full, in particular by denying him the right to visit the Sudan and by issuing unacceptable threats against his person;

6. Welcomes the decision of the Government of the Sudan to re-extend its full and unreserved cooperation and to assist the Special Rapporteur in the discharge of his mandate, and calls upon the Government, to that end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person and any area in the Sudan;

7. Again urges the Government of the Sudan to release all remaining political detainees, to cease all acts of torture and cruel, inhuman or degrading punishment and close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in the custody of ordinary police or prison authorities where family members and lawyers can visit them and that such persons receive prompt, just and fair trials under internationally recognized standards;

8. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan is a party and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

9. Urges the Government of the Sudan to investigate reported policies or activities which support, condone, encourage or foster the sale of or trafficking in children, the separation of children from their families and social backgrounds or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment, and to terminate immediately any such policies or activities and bring to trial any persons suspected of involvement in them;

10. Also urges the Government of the Sudan, following its letter to the Centre for Human Rights of 22 March 1996, to carry out its investigations without delay into cases of slavery, servitude, the slave trade, forced labour and similar institutions and practices, as reported by the Special Rapporteur and others, and to take all appropriate measures to put an immediate end to these practices;

11. Welcomes the reported release of female detainees with children and any other activities designed to assist such persons, and encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace;

12. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;

13. Notes with appreciation the regional efforts of the heads of State of the Intergovernmental Authority on Drought and Development (Eritrea, Ethiopia, Kenya and Uganda) to assist parties to the conflict in the Sudan to reach a peaceful settlement, and urges all parties to the conflict to cooperate fully with that regional peace initiative in order to agree to an immediate cease-fire, negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan;

14. Welcomes the recently signed peace agreement between the Government of the Sudan and the South Sudan Independence Movement and the Sudan People's Liberation Movement-Bahr al Ghazal Group, as announced in Khartoum on 10 April 1996;

15. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional

Protocols thereto of 1977, to halt the use of weapons, including land-mines, against the civilian population and to protect all civilians, especially women, members of minorities and children, from violations of human rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

16. Calls once more upon the Government of the Sudan to ensure a full and thorough investigation by the independent judicial inquiry commission of the killing of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

17. Calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver humanitarian assistance to all persons in need;

18. Expresses the hope that the dialogue between non-governmental organizations and religious minorities in the Sudan will lead to improved relations between those minorities and the Government of the Sudan;

19. Decides to extend the mandate of the Special Rapporteur for an additional year;

20. Stresses the importance of the Special Rapporteur continuing to apply gender perspective systematically in the reporting process, including information collection and recommendations;

21. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;

22. Encourages the Special Rapporteurs on religious intolerance and on freedom of expression to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan, looks forward to receiving their reports following their visits, and hopes that these events will lead to invitations to and visits by other thematic rapporteurs and working groups;

23. Recommends that priority be given to the placement of human rights field officers to monitor the situation of human rights, in the locations and under the modalities suggested by the Special Rapporteur, in order to facilitate improved information flow and assessment and to help in the independent verification of reporting, with particular attention to violations and abuses in areas of armed conflict;

24. Requests the Special Rapporteur, following his visit to the Sudan and consultations with the Government of the Sudan, to report to the Commission on Human Rights on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-third session, reassess such need;

25. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;

26. Decides to continue its consideration of this question as a matter of priority at its fifty-third session.

60th meeting
23 April 1996
[Adopted without a vote. See chap X.]

1996/74. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling, the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Mindful of General Assembly resolutions on the subject of summary or arbitrary executions, of which the latest is 49/191 of 23 December 1994,

Recalling the other standards that form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Recalling also Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto and Economic and Social Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Welcoming the attention given to various aspects and situations of violations of the right to life by the Special Rapporteur in his reports (E/CN.4/1996/4 and Corr.1 and Add.1 and 2) and his methods of work, including following up on communications and country visits,

Expressing deep concern at the scarce resources, both human and material, put at the disposal of the Special Rapporteur for the implementation of his mandate, bearing in mind his increasing workload and the persistence of extrajudicial, summary or arbitrary executions in all parts of the world,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all alleged extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. Welcomes the establishment of a preparatory committee with a view to establishing an International Criminal Court;

5. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, taking into account the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

6. Welcomes the report of the Special Rapporteur (E/CN.4/1996/4 and Corr.1 and Add.1 and 2), and stresses his recommendations made after his visits to particular countries;

7. Requests the Special Rapporteur, in carrying out his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission on Human Rights informed about such serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender-perspective in his work;

8. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

9. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

10. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency or armed conflicts and to ensure that the police and security forces receive thorough training in human rights matters and, in particular, with regard to restrictions on the use of force and firearms in the discharge of their functions;

11. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, the 1949 Geneva Conventions and the 1977 Protocols thereto in relation to the treatment of prisoners in armed conflicts, and other pertinent international instruments;

12. Strongly urges all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

13. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him, and invites them to report to the Special Rapporteur on action taken on these recommendations;

14. Expresses its concern that a number of Governments, mentioned in the report of the Special Rapporteur, have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

15. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

16. Requests the Secretary-General to inform the Commission on the implementation of Economic and Social Council decision 1995/284 of 25 July 1995, to provide the Special Rapporteur, from within existing resources and as a matter of priority, with additional human, financial and material resources, keeping in mind the comments on this matter in the report of the Special Rapporteur (E/CN.4/1996/4, para. 619), in order to enable him to carry out his mandate effectively, including through country visits;

17. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

18. Further requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

19. Invites the Special Rapporteur to submit an interim report to the General Assembly at its fifty-first session on the situation worldwide in regard to summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon;

20. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of high priority at its fifty-third session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/75. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and international humanitarian law, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan,

Recalling in particular, its resolution 1995/74 of 8 March 1995, in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to consider submitting a report to the General Assembly at its fiftieth session, and Economic and Social Council decision 1995/285 of 25 July 1995, in which the Council approved the Commission's decision,

Concerned that armed confrontation persists in certain parts of the territory of Afghanistan,

Aware that peace and security in Afghanistan are conducive to the full restoration of all human rights and fundamental freedoms, the voluntary return of refugees to their homeland in safety and dignity, the clearance of minefields in many parts of the country, and the reconstruction and rehabilitation of Afghanistan,

Deeply concerned at reports of human rights abuses and violations of humanitarian law and human rights, including the rights to life, to liberty and security of person and to freedom of opinion, expression and association,

Concerned in particular at the situation of women and children, especially regarding access to basic education for girl children and access by women to employment, training and their effective participation in the political and cultural life throughout the country,

Concerned also that a unified judicial system cannot be established throughout the country under the prevailing circumstances, and stressing the necessity, until one is created, for regional administrations to assume responsibility for the protection of the human rights of those people under their control,

Commending the activities carried out for the welfare of the Afghan people by various agencies and programmes of the United Nations, as well as by the International Committee of the Red Cross and other humanitarian organizations,

Noting with satisfaction that the voluntary repatriation of the Afghan refugees has resumed, although full repatriation has been impeded by the continuing conflict,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1996/64), of his conclusions and recommendations, including his suggestion for the appointment of a human rights field officer in Kabul, and of the translation of previous reports into the Dari and Pashtu languages,

1. Welcomes the cooperation that the governmental and local authorities in Afghanistan and the Government of Pakistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan;

2. Urges all the Afghan parties to work and cooperate fully with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic Government elected through free and fair elections to be held throughout the country and based on the right to self-determination of the people of Afghanistan;

3. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to consult and cooperate with each other;

4. Urges all the Afghan parties to respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, including the rocket attacks against civilian suburbs of Kabul, to stop the laying of land-mines and to prohibit the drafting and the recruitment of children as para-combatants;

5. Calls upon all Afghan parties to respect fully all human rights and fundamental freedoms, including the rights of women and children, in accordance with international human rights instruments, and calls upon the Afghan authorities to ensure the effective participation of women in the social, economic, political and cultural life throughout the country, including education and employment;

6. Calls upon all authorities in Afghanistan to ensure equal treatment to women and girls, and calls particularly upon local authorities in Kandahar

and Herat to proceed urgently to the reopening of the primary and secondary schools for girls, which have been closed recently, and to reintegrate women in their previous jobs;

7. Calls for the unconditional and simultaneous release of all prisoners of war, wherever they are held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as the result of the war;

8. Calls upon all warring parties in Afghanistan to refrain from detaining foreign nationals and urge their captors to release them immediately;

9. Calls upon the Afghan authorities to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply the Amnesty Decree issued in 1992 by the Transitional Islamic State of Afghanistan in a strictly non-discriminatory manner, to reduce the period during which prisoners await trial and to treat all suspected, convicted or detained persons in accordance with relevant international instruments;

10. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave violations of human rights and accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

11. Appeals to Member States and to the international community to continue to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries pending their voluntary repatriation in accordance with relevant international instruments, in particular through the support of activities such as mine detection and clearance and repatriation projects undertaken by the Office of the United Nations High Commissioner for Refugees, the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and other United Nations agencies or non-governmental humanitarian organizations;

12. Strongly urges, in the light of recent events, all parties to the conflict to take all necessary measures to ensure the safety and security of all diplomatic missions in Kabul, the personnel of humanitarian organizations and the representatives of the media in Afghanistan;

13. Urges all countries to respect the full national independence, territorial integrity and the non-interference in the internal affairs of Afghanistan, and takes note with concern of paragraph 37 of the report of the Special Rapporteur (E/CN.4/1996/64) wherein he is informed of the presence of foreigners among prisoners of war;

14. Invites the United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles and the holding of direct elections;

15. Encourages the United Nations Educational, Scientific and Cultural Organization to study, with the contribution of its competent committees, appropriate ways and means to restore the Afghan system of education and cultural heritage, in particular the restoration of the Kabul museum;

16. Urges the Afghan authorities to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

17. Decides to extend the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-third session and to consider submitting a report to the General Assembly at its fifty-first session;

18. Requests the Special Rapporteur to continue to apply a gender perspective in his reporting;

19. Decides to continue its consideration of the human rights situation in Afghanistan, as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/76. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the International Bill of Human Rights, the Convention on the Prevention and the Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolution 1995/91 of 8 March 1995, and taking note of General Assembly resolutions 50/57 of 12 December 1995 and 50/200 of 22 December 1995 and Security Council resolution 1050 (1996) of 8 March 1996,

Deeply concerned by reports of the Special Rapporteur and the Human Rights Field Operation in Rwanda that genocide and systematic and widespread violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice,

Noting with concern the reports by the Special Rapporteur and the Human Rights Field Operation in Rwanda of violations of human rights and fundamental freedoms in Rwanda,

Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, to eliminate impunity and to facilitate the process of voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the agreements reached at Nairobi, Bujumbura and Cairo in 1995, and at Tunis in 1996 and welcoming the commitments by Governments in the region regarding refugees,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in promoting the return of refugees, in consolidating a climate of confidence and stability and in promoting the rehabilitation and reconstruction of Rwanda,

Reaffirming the link between the voluntary return of refugees to their homes and the normalization of the situation in Rwanda, and concerned that continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandan authorities, prevent refugees from returning to their homes,

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes Region, including initiatives of the Organization of African Unity, States in the region and international organizations, and encouraging the efforts of the Secretary-General to ensure the implementation of commitments to ensure security, peace and stability in the Great Lakes Region and, in this context, to continue consultations on the possible convening of a conference on the Great Lakes Region,

1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda (E/CN.4/1996/111) and the reports of the Special Rapporteur on the situation of human rights in Rwanda (E/CN.4/1996/7 and E/CN.4/1996/68);

I

2. Condemns in the strongest terms acts of genocide, violations of international humanitarian law and all violations and abuses of human rights in Rwanda;

3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations and that the international community will exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice in accordance with international principles of due process;

5. Urges all States concerned to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible

for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, taking into account the obligations contained in Security Council resolutions 955 (1994) and 978 (1995);

II

6. Encourages the efforts and commitments of the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts, in accordance with international principles of due process, to expedite the processing of cases, to ensure conditions and treatment in detention in conformity with international standards, and to train all those involved in the legal procedures governing arrest and detention, and notes with concern the findings of the Special Rapporteur and the Human Rights Field Operation in Rwanda that arrests and detentions under conditions which do not conform to international standards, summary executions, cruel, inhuman or degrading treatment, and restrictions on freedom of opinion and expression are still taking place;

7. Encourages the further efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, notes that efforts in this regard are hampered by a lack of resources, and welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

8. Also encourages the further efforts of the Government of Rwanda to involve, without any discrimination, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

9. Calls upon the Government of Rwanda to take all necessary measures to ensure the safety and security of all people in Rwanda, including United Nations personnel and other international staff serving in the country;

10. Appreciates the contribution that the human rights officers have made towards the improvement of the overall situation in Rwanda and the important role played by States, the Human Rights Field Operation in Rwanda, other United Nations bodies, the International Committee of the Red Cross and intergovernmental and non-governmental organizations in providing humanitarian assistance and contributing to the reconstruction and rehabilitation of Rwanda;

11. Invites States, the organizations and bodies of the United Nations system, and intergovernmental and non-governmental organizations to continue and intensify efforts to contribute financial and technical support to the efforts of the Government of Rwanda towards reconstruction of the human rights infrastructure of Rwanda and towards the implementation of the programme of rehabilitation, reconstruction and national reconciliation, and welcomes the commitments made, including those at the Round Table Conference at Geneva and its mid-term review in Kigali in July 1995;

12. Urges Governments in the region to take measures to prevent their territory from being used to pursue a strategy of destabilization of Rwanda, and, in this regard, urges all States concerned to cooperate fully with the International Commission of Inquiry on arms flows in the Great Lakes Region, established in pursuance of Security Council resolution 1013 (1995) of 7 September 1995;

13. Condemns all violence and intimidation against persons in the camps of Rwandan refugees, calls upon the appropriate authorities to ensure security in such camps, including by separating refugees from intimidators to facilitate voluntary repatriation, and welcomes the commitments undertaken by the Governments in the region in this regard;

14. Welcomes the joint efforts of the Government of Rwanda, neighbouring countries and the Office of the United Nations High Commissioner for Refugees to assist in the voluntary and safe return of refugees through, inter alia, the work of the Tripartite Commission and the agreements reached at Nairobi, Bujumbura and Cairo in 1995 and at Tunis in 1996, and also welcomes the efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Development Programme and other United Nations offices and organizations to coordinate their efforts to ensure protection of the human rights of refugees during their return, resettlement and reintegration;

III

15. Welcomes the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Human Rights Field Operation in Rwanda and the Special Rapporteur and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country;

16. Commends the efforts of the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to ensure that human rights monitoring, a comprehensive programme of human rights assistance and confidence-building measures form integral parts of Rwandan and United Nations efforts aimed at conflict prevention and peace-building in Rwanda, drawing as appropriate on the expertise and capacities of all parts of the United Nations system, thus contributing to the promotion and protection of human rights in Rwanda;

17. Takes note of Security Council resolution 1050 (1996) of 8 March 1996 in which the Council encouraged the Secretary-General, in agreement with the Government of Rwanda, to maintain in Rwanda a United Nations office for the purpose of supporting the efforts of the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure, and of coordinating the United Nations efforts to that end;

18. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, which has as it objective:

(a) The investigation of violations of human rights and humanitarian law, including acts of genocide and crimes against humanity;

(b) The monitoring of the human rights situation and the prevention of future violations;

(c) Cooperation with other international agencies in re-establishing confidence and thus facilitating the voluntary return and resettlement of refugees;

(d) The rebuilding of civil society, through programmes of human rights education and technical cooperation, particularly in the areas of the administration of justice and conditions of arrest, detention and treatment in detention, and through programmes of cooperation with Rwandan human rights organizations;

19. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-first session;

20. Recognizes the importance of the Human Rights Field Operation in Rwanda in contributing to the establishment of confidence in the country, and recommends the continuation of its presence throughout Rwanda as well as sufficient funds for that purpose;

21. Calls upon States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and requests the Secretary-General to propose what steps might be taken to place the operation on a more secure financial basis;

22. Requests the Secretary-General to ensure adequate financial and human resources and logistical support for the Human Rights Field Operation in Rwanda, taking into account the need to deploy a sufficient number of human rights field officers and the need for programmes of technical assistance and advisory services for the Government of Rwanda and Rwandan human rights organizations, especially in the field of the administration of justice;

23. Decides to extend the mandate of the Special Rapporteur on the situation of human rights in Rwanda, as set out in its resolution S-3/1 of 25 May 1994, for an additional year, working in cooperation with the Human Rights Field Operation in Rwanda, requests the Special Rapporteur to make recommendations concerning situations in which technical assistance may be appropriate, and requests him to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;

24. Requests the Secretary-General to provide all necessary resources to the Special Rapporteur.

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/77. Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling that, in accordance with its Charter, the United Nations fosters and encourages respect for human rights and for fundamental freedoms for all, and that the Universal Declaration of Human Rights stipulates that the will of the people is the basis of the authority of government,

Recalling also that, under Articles 55 and 56 of the Charter of the United Nations, all Member States of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Bearing in mind its resolution 1995/69 of 8 March 1995,

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the report of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1996/66), the report of the Special Rapporteur on the question of torture (E/CN.4/1996/35 and Add.1), the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1996/38), the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1996/37) and the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4),

Recognizing that some progress has been achieved by the Government of Zaire with respect to human rights, while regretting that certain major recommendations made by the Special Rapporteur in this area have not yet been implemented,

Concerned, however, at the persistence of violations of human rights in Zaire, in particular at cases of arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, notably those which are administered by the army and security services, serious shortcomings

in the administration of justice, which is unable to function independently, the impunity of human rights violators, the rape of women in detention or during looting, and forced population displacements,

Recognizing the heavy burden imposed on the host country and local populations in accepting large numbers of refugees from Rwanda and Burundi, and seriously concerned at the worsening of ethnic confrontations in Kivu following this inflow,

Bearing in mind the Cairo and Geneva agreements on Zaire's commitment to suspend forced repatriations of refugees,

Reiterating its loathing of all forms of racial or ethnic discrimination,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups in the population, the greater part of which cannot satisfy essential needs,

Re-emphasizing the need to put an end to the impunity of persons responsible for human rights violations, including members of the army and security forces,

Greatly concerned about the delay in the process of democratic transition, and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms, so that the transition period can come to an end in conformity with the Constitutional Act of Transition, after free and multi-party elections,

Greatly concerned also at the delay in preparations for the elections resulting from a political deadlock,

Strongly regretting that the Government of Zaire has not yet signed the agreement for the establishment of an office of the United Nations High Commissioner for Human Rights in Kinshasa, composed of two experts entrusted with the task of monitoring the situation of human rights and giving advice to the governmental authorities and non-governmental organizations,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Zaire and assures the Special Rapporteur of its full support for the work undertaken by him within the framework of his mandate;

2. Deplores the continuing violations of human rights and fundamental freedoms in Zaire, particularly cases of torture and cruel, inhuman or degrading treatment, violence against women, arbitrary detention, summary executions and solitary confinement, inhuman and degrading prison conditions, particularly for children, especially in the detention centres administered by the army and security services, enforced disappearances and denial of the right to a fair trial, and the failure to prosecute the persons responsible for intimidation measures and reprisals, in particular against prominent political figures;

3. Notes with concern that the army and the security forces continue to use force against civilians and to enjoy great impunity, which remains one of the principal causes of human rights violations in Zaire;

4. Condemns all discriminatory measures affecting persons belonging to minority groups;

5. Expresses appreciation of the cooperation of the Government of Zaire with the Special Rapporteur in the discharge of his mission, which he was able to perform completely freely, while regretting that he did not benefit from such cooperation in respect of his requests for information;

6. Encourages the Government of Zaire to renew its efforts so that acts of violence against persons originating from Kasai do not occur any more in the province of Shaba and to combat the impunity of the persons responsible for these acts;

7. Recalls the agreements reached between the Government of Zaire, the Government of Rwanda and the Office of the United Nations High Commissioner for Refugees aimed at assuring order and security in the Rwandese refugee camps in Zaire and the voluntary repatriation of these refugees to their country of origin in conditions of safety and dignity;

8. Calls, in particular with a view to the holding of elections with universal suffrage, for continued and broadened efforts to assure full respect for the right to freedom of opinion and expression, in particular for all mass media, as well as freedom of association, assembly and peaceful demonstration;

9. Calls upon the Government of Zaire to take all necessary measures with a view to reinforcing the judiciary and its independence;

10. Exhorts all Zairian political forces to respect the peaceful aspect of the democratic transition, and strongly urges the competent Zairian authorities to speed up the process of preparing for and organizing democratic, free and regular elections on the basis of the provisions contained in the basic agreements on the transition, drawing on assistance from the international community;

11. Welcomes the establishment of the National Electoral Commission and of the Standing Interministerial Commission to ensure contacts between the Government and the National Election Commission;

12. Urges once again the Government of Zaire to follow up rapidly the commitment it has already entered into concerning the establishment of an office of the United Nations High Commissioner for Human Rights in Kinshasa;

13. Recalls the importance of continuing to apply a gender perspective to a greater extent in drawing up the reports of the Special Rapporteur, including the collection of information and recommendations;

14. Decides to extend the mandate of the Special Rapporteur for an additional year;

15. Requests the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

16. Requests the Special Rapporteur to submit at its fifty-third session a report in which he will, inter alia, indicate how the Government of Zaire has taken into account his recommendations;

17. Decides to consider the question again at its fifty-third session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories", drawing on the reports of the Special Rapporteur and the thematic special rapporteurs and working groups of the Commission on Human Rights.

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/78. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Recalling General Assembly resolution 48/121 of 20 December 1993, in which the Assembly endorsed the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights,

Recalling also its resolution 1994/95 of 9 March 1994, in which it decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Convinced that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Recalling Part II, paragraph 100, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to him on the progress made in the implementation of the Vienna Declaration and Programme of Action and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council,

Recalling also that regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of

the Vienna Declaration and Programme of Action, and that special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations,

Recalling further General Assembly resolution 48/141 of 20 December 1993, in which the Assembly decided to create the post of United Nations High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities, including coordination of the human rights promotion and protection activities throughout the United Nations system,

Noting that, at the first regular session of 1994 of the Administrative Committee on Coordination in April 1994, the executive heads of all United Nations agencies discussed the implications of the results of the World Conference on Human Rights for their respective programmes and committed themselves to supporting the United Nations High Commissioner for Human Rights in the coordination of the United Nations organs and bodies and the specialized agencies whose activities deal with human rights, as set out in General Assembly resolution 48/141,

Noting also that the United Nations High Commissioner for Human Rights has established a permanent dialogue with the United Nations programmes and agencies whose activities deal with human rights in order to maintain systematic exchanges of information, experience and expertise,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are essential in order to ensure such a fully integrated approach throughout the United Nations system,

Welcoming the fact that the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields,

Noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with the Agreed Conclusions 1995/1 of the Economic and Social Council on coordinated follow-up by the United Nations system and implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields,

Having considered the report of the United Nations High Commissioner for Human Rights (E/CN.4/1996/103),

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights;

2. Endorses the reaffirmation in the Vienna Declaration and Programme of Action of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations;

3. Reaffirms the views of the World Conference on the urgency of eliminating denials and violations of human rights;

4. Recognizes that the international community should devise ways and means to remove the current obstacles and meet challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

5. Calls upon all States to take further action with a view to the full realization of human rights in the light of the recommendations of the World Conference;

6. Recognizes the importance of dialogue and cooperation between Governments and between Governments and non-governmental organizations and the role the Commission can play in promoting dialogue and cooperation;

7. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, including through training programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms;

8. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

9. Requests the United Nations High Commissioner for Human Rights, the General Assembly and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

10. Welcomes the intention of the United Nations High Commissioner for Human Rights to invite all States and all organs and agencies of the United Nations system related to human rights to carry out a thorough evaluation of the implementation of the Vienna Declaration and Programme of Action;

11. Recommends to the Economic and Social Council that it consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to, and implementation of, the Vienna Declaration and Programme of Action as part of the 1998 five-year review described in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

12. Welcomes with appreciation the work accomplished so far by the United Nations High Commissioner for Human Rights, and expresses its commitment to continue to cooperate with and support the High Commissioner in the discharge of his mandate, as set out in General Assembly resolution 48/141;

13. Requests the United Nations High Commissioner for Human Rights to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in General Assembly resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

14. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system with the participation of the United Nations High Commissioner for Human Rights;

15. Requests the United Nations High Commissioner for Human Rights to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action, in particular concerning the preparation for the 1998 five-year review;

16. Decides to consider this question at its fifty-third session under the item entitled "Follow-up to the World Conference on Human Rights".

60th meeting
23 April 1996
[Adopted without a vote. See chap. XXI.]

1996/79. Situation of human rights in Nigeria

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other human rights instruments and the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments in this field,

Mindful that Nigeria is a party to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights,

Taking note of General Assembly resolution 50/199 of 22 December 1995 on the situation of human rights in Nigeria,

Deeply concerned about the human rights situation in Nigeria and the suffering caused thereby to the people of Nigeria,

Expressing concern that the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms, and recalling in this regard the popular support for democratic government as evidenced in the 1993 elections, and noting that local government elections on a non-party basis were held in March 1996,

Recalling the announcement made by the Government of Nigeria on 1 October 1995 in which it affirmed the principle of multi-party democracy and the principle of power-sharing, and its intention to lift the ban on political activities and the press, to devolve power to the local levels of government and subordinate the military to civilian authority,

Strongly disappointed that only limited action in this regard has followed, while noting some relaxation of restrictions on the media,

Taking note of the mission sent to Nigeria by the Secretary-General in pursuance of General Assembly resolution 50/199, following an invitation by the Government of Nigeria,

Noting with deep concern reports of grave violations of human rights, including arbitrary executions, arbitrary arrests and detention, failure to respect due process of law and excessive use of force against demonstrators, as described in, inter alia, reports submitted to the Commission on Human Rights by the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1996/37) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4),

Taking note of the request of the Special Rapporteur on the independence of judges and lawyers and the request of the Special Rapporteur on extrajudicial, summary or arbitrary executions to undertake a joint investigative mission to Nigeria,

Noting with alarm that, among those detained, further persons may be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates,

1. Expresses its deep concern about violations of human rights and fundamental freedoms in Nigeria, and calls upon the Government of Nigeria urgently to ensure their observance, in particular by restoring habeas corpus, releasing all political prisoners, trade union leaders, human rights advocates and journalists who are at present detained, guaranteeing freedom of the press and ensuring respect for the rights of all individuals, including persons belonging to minorities;

2. Calls upon the Government of Nigeria to ensure that trials are held strictly in conformity with international instruments to which Nigeria is party;

3. Also calls upon the Government of Nigeria to accede to the request of the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers to pay a joint investigative visit to Nigeria;

4. Further calls upon the Government of Nigeria to abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights and other instruments on human rights, including the African Charter of Human and Peoples' Rights;

5. Calls upon the Government of Nigeria to cooperate fully with the relevant existing mechanisms of the Commission on Human Rights;

6. Notes the declared commitment of the Government of Nigeria to civilian rule, and urges it to take immediate and concrete steps to restore democratic government;

7. Requests the two thematic Special Rapporteurs who have requested a joint investigative visit to the country to submit to the Commission at its fifty-third session a joint report on their findings, along with any observations of other relevant mechanisms, in particular the Working Group on Arbitrary Detention, and requests them to submit an interim report to the General Assembly;

8. Decides on the basis of these reports to consider the situation of human rights in Nigeria at its fifty-third session under the same agenda item.

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/80. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections,

Deploring the continued detention of many political prisoners, in particular elected representatives, and the recent arrests and harassment of other supporters of democratic groups in Myanmar, while welcoming the release of Daw Aung San Suu Kyi on 10 July 1995,

Gravely concerned at the violations of human rights in Myanmar, which remain extremely serious, in particular the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, forced displacement of the population, the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association, and the imposition of oppressive measures directed, in particular, at ethnic and religious minority groups,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949 for the protection of war victims, the concluding of some cease-fire agreements with ethnic groups, the withdrawal of several reservations it had entered concerning the Convention on the Rights of the Child and the freeing of a certain number of political prisoners, in response to the concerns repeatedly expressed by the international community,

Gravely concerned at the continuing fighting with ethnic and other political groups, despite the conclusion of cease-fire agreements, and noting that this, together with continued violations of human rights, has resulted in flows of refugees to neighbouring countries,

Sharing the concern expressed by the International Labour Organization, in June 1995, at the practice of forced labour in Myanmar,

Noting that many violations directly affect women, in particular women belonging to minorities, who have suffered ill-treatment, especially at the hands of the military, as stated by the Special Rapporteur,

Having examined the reports of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1996/88), and on the situation of human rights in Myanmar, submitted pursuant to General Assembly resolution 50/194 (E/CN.4/1996/157) and of the Special Rapporteur on the question of torture (E/CN.4/1995/35 and Add.1),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling also its resolution 1995/72 of 8 March 1995, and taking note of General Assembly resolution 50/194 of 22 December 1995,

1. Notes that the Special Rapporteur visited Myanmar in October 1995, commends him for his report (E/CN.4/1996/65), and welcomes the conclusions and recommendations contained therein;

2. Deplores the continuing serious violations of human rights in Myanmar and, in particular, the fact that a number of political leaders, including leaders and elected representatives of the National League for Democracy, remain deprived of their liberty;

3. Strongly urges the Government of Myanmar to release immediately and unconditionally all detained political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

4. Deplores the recent harsh sentences meted out to members of political parties and other individuals, including persons voicing dissent in regard to the procedures of the National Convention and persons condemned in particular for seeking to meet the Special Rapporteur and for having peacefully exercised their right to freedom of expression, movement and association;

5. Deeply regrets that, while a certain number of political prisoners were released in the past year, many political leaders continue to be deprived of their freedom and their fundamental rights;

6. Welcomes the release of Nobel Peace Prize winner Daw Aung San Suu Kyi on 10 July 1995, and urges the Government of Myanmar to allow her freedom of movement and to open immediately a substantial political dialogue with her and with other political leaders, including representatives of ethnic groups, as the best means to arrive at national reconciliation and the complete and rapid installation of democracy;

7. Again urges the Government of Myanmar to take, in conformity with the assurances given at various times, all necessary measures to guarantee democracy in full accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that all political parties may freely exercise their activities;

8. Notes with concern that most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who have withdrawn and subsequently were excluded, at the end of 1995, from the sessions of the Convention and who are unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

9. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives, lifting restraining orders placed on a number of political leaders, releasing those who are detained and ensuring that all political parties can function freely;

10. Also strongly urges the Government of Myanmar to guarantee full respect for human rights and fundamental freedoms, in particular the freedom of expression and opinion and the right of association and of assembly, to restore protection of persons belonging to minority groups, in particular against discrimination, especially in the framework of the citizenship laws, and to put an end to violations of the right to life and the integrity of the human being, to arbitrary detentions, to the practice of torture, abuse of women and forced labour and in particular to forced recruiting of porters for the army, to enforced displacements of the population and to enforced disappearances and summary executions;

11. Expresses grave concern at the recent fighting with the Karenni National Progressive Party, other ethnic groups, Burmese students and political activists, and in some parts of the country at the resulting flow of refugees towards neighbouring countries;

12. Reminds yet again the Government of Myanmar of its obligations to put an end to the impunity of perpetrators of violations of human rights, including members of the military, and its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, prosecute them and punish those found guilty, in all circumstances;

13. Calls upon the Government of Myanmar to become a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

14. Appeals to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization;

15. Encourages the Government of Myanmar to continue to lift the remaining emergency measures;

16. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trial according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

17. Encourages the Government of Myanmar to continue to create the necessary conditions to facilitate the voluntary repatriation of refugees and

their reintegration, in conditions of safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

18. Invites the Government of Myanmar to respect fully its obligations under the Geneva Conventions of 12 August 1949, and to avail itself of such services as may be offered by impartial humanitarian bodies;

19. Stresses that it is important for the Government of Myanmar to give particular attention to prison conditions in the country's prisons and to take steps to allow international humanitarian organizations to communicate freely and confidentially with prisoners;

20. Welcomes the first measures taken by the Government of Myanmar to provide for the training of military personnel in international humanitarian law, and requests it to intensify its efforts in that regard and to extend them to police and prison personnel;

21. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;

22. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

23. Urges the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur effectively has free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi;

24. Encourages the Secretary-General, in the discharge of his good offices mandate, to continue his discussions with the Government of Myanmar in order to assist in the implementation of General Assembly resolution 50/194, including in the efforts deployed for national reconciliation and towards the resumption of democracy, notes with concern the decision of the Government of Myanmar to postpone discussion in Yangon with representatives of the Secretary-General, and in this respect calls upon the Government of Myanmar to reinstate this visit as soon as possible and to extend full cooperation to the Secretary-General or his representatives, including through access to any person as deemed appropriate by the Secretary-General;

25. Decides to keep the matter under review at its fifty-third session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories";

26. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 32.]

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/81. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1995/84 of 8 March 1995, in which it authorized further meetings of the working group,

Recalling further that the World Conference on Human Rights recommended speedy completion and adoption of the draft declaration,

Conscious of the importance of taking into account the opinions of all States and of interested intergovernmental and non-governmental organizations before finalizing the draft declaration,

1. Takes note of the report of the working group (E/CN.4/1996/97);

2. Urges the working group to make every effort to complete its task and submit the draft declaration to the Commission;

3. Decides to continue at its fifty-third session its work on the elaboration of the draft declaration;

4. Also decides to make available an appropriate meeting time for the working group prior to and during the fifty-third session of the Commission;

5. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

60th meeting
23 April 1996
[Adopted without a vote. See chap. XIX.]

1996/82. Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

The Commission on Human Rights,

Recalling General Assembly resolutions 48/141 of 20 December 1993 and 50/187 of 22 December 1995, the relevant Economic and Social Council resolutions, as well as its own resolutions on this question,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Recalling that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights stressed the importance of strengthening the Centre for Human Rights,

Taking note of the report of the Secretary-General on the strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights (E/CN.4/1996/116), as well as of the report of the United Nations High Commissioner for Human Rights (E/CN.4/1996/103),

Recalling the note by the Secretary-General on the geographical composition and functions of the staff of the Centre for Human Rights (A/50/682),

Taking into account that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources,

Taking into account also the establishment of the post of United Nations High Commissioner for Human Rights, as well as the mandate for the post, as defined in General Assembly resolution 48/141, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in that resolution for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

Noting with concern that the response to this request has not been commensurate with the needs, resulting in a serious and increasing imbalance between the mandates assigned to the High Commissioner and to the Centre by the competent bodies of the United Nations system in the field of human rights and the resources available to fulfil those mandates,

Taking into account the fact that the responsibilities of the High Commissioner include, inter alia, engaging in a dialogue with all Governments in the implementation of his mandate with a view to the promotion

and protection of all human rights, and rationalizing, adapting, strengthening and streamlining the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness,

Mindful of situations in which rapid action by the High Commissioner is required in order to address urgent crises in the field of human rights,

Aware that the effectiveness of action by the High Commissioner could be enhanced through cooperation within the United Nations system, inter alia through the use of its established procedures of existing mechanisms,

Noting that the difficult financial situation of the United Nations human rights programme has created considerable obstacles in implementing in full and on time the various procedures and mechanisms,

Noting also that the High Commissioner and the Centre are a unity whereby the High Commissioner, in accordance with General Assembly resolution 48/141, sets the policy directions and the priority of action and the Centre implements those policies under the direction of the head of the Centre, the Assistant Secretary-General for Human Rights,

Emphasizing that, while further improvement in the function and efficiency of the Centre, together with a strong emphasis on good management practices, is needed in order to enable the Centre to cope with its constantly increasing workload, good management practices need to be complemented by resources commensurate with mandates,

Taking note of the information provided by the High Commissioner with regard to the ongoing process aimed at increasing the efficiency and effectiveness of the Centre, and encouraging the High Commissioner to continue to inform Member States on his efforts in a similar manner, inter alia through briefing sessions,

Recognizing that this process should contribute to the strengthening of the functional framework for integrated and consolidated activities of the Secretariat in the field of human rights, while reaffirming full respect for the mandates given to the High Commissioner and to the Centre by the appropriate intergovernmental bodies,

Recalling that in its report to the Special Commission of the Economic and Social Council, the Commission on Human Rights reaffirmed that the paramount consideration in the employment of staff at every level was the need for the highest standards of efficiency, competence and integrity, and that it was convinced that that was compatible with the principle of equitable geographical distribution, and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations,

1. Supports and encourages the efforts of the Secretary-General to enhance the role and further improve the functioning of the Centre for Human Rights, under the overall supervision of the United Nations High Commissioner for Human Rights;

2. Reiterates the need to ensure that all the necessary human, financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable it to carry out the mandates efficiently, effectively and expeditiously;

3. Requests the Secretary-General to make available additional human and financial resources, from within the overall regular budget of the United Nations, and to enhance the capability of the High Commissioner and the Centre to fulfil effectively their mandates and their ability to carry out mandated operational activities and to coordinate efficiently with other relevant departments of the Secretariat, as well as other organs, bodies and specialized agencies of the United Nations system, including on logistical and administrative questions, having due regard to the need to finance and implement activities of the United Nations relating to development;

4. Encourages the increased cooperation and coordination between the High Commissioner, acting within his mandate, and other departments and offices of the United Nations Secretariat on human rights issues;

5. Requests the Secretary-General to facilitate the participation of the High Commissioner in all established procedures of existing mechanisms within the framework of the United Nations system with a view to addressing urgent crises in the field of human rights;

6. Encourages the High Commissioner, within his mandate as set out in General Assembly resolution 48/141, to continue to seek effective ways to react rapidly to crises in the field of human rights and to continue to report on his activities in this regard to the competent bodies of the United Nations in the field of human rights, and requests in this context the Secretary-General to support activities proposed by the High Commissioner;

7. Supports fully the High Commissioner in his continuing efforts to strengthen the human rights activities of the United Nations, inter alia through measures aimed at restructuring the Centre to improve its efficiency and effectiveness;

8. Requests the High Commissioner to continue to keep all States informed on a regular basis of the ongoing process of restructuring the Centre, inter alia through informal open briefing sessions;

9. Decides to consider the question of strengthening the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, including measures taken in furtherance of the present resolution, at its fifty-third session.

61st meeting
24 April 1996
[Adopted without a vote. See chap. IX.]

1996/83. Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993 and endorsed by the General Assembly in resolution 48/121 of 20 December 1993, recommends that, among other relevant bodies of the United Nations, the Commission on Human Rights consider ways and means for the full implementation, without delay, of the recommendations contained in the Declaration and Programme of Action and that, for this purpose, the Commission should annually review the progress towards this end,

Recalling its resolution 1994/95 of 9 March 1994, in which it decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Considering that the Vienna Declaration and Programme of Action stressed the importance of strengthening the United Nations Centre for Human Rights and the need for it to play an important role in coordinating system-wide attention for human rights,

Recognizing the necessity for the continuing adaptation of the United Nations human rights machinery to current and future needs in the promotion and protection of all human rights, to be conducted in a transparent manner through consultations with Member States and competent intergovernmental bodies,

Having in mind the prominent role played by the Commission on Human Rights as a policy-making body in the field of human rights within the United Nations system,

Recalling General Assembly resolution 48/141 in which the General Assembly decided to create the post of United Nations High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities,

Noting the respective functions of the Secretary-General and the pertinent bodies in the revision of the medium-term plan of the human rights programme of the United Nations system, especially the Committee on Programme Planning and Coordination, the Third and Fifth Committees of the General Assembly and the Advisory Committee on Administrative and Budgetary Questions,

Recalling that, in the ongoing review of the structures of the Secretariat of the United Nations dealing with human rights, in particular the Centre for Human Rights, it is necessary to ensure full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23) and all mandates established by decisions of competent bodies in the field of human rights,

Emphasizing the importance of maintaining a continuing dialogue between the United Nations High Commissioner for Human Rights and Member States on these issues,

Welcoming the consultations carried out by the United Nations High Commissioner for Human Rights in this regard,

1. Encourages the General Assembly to continue its current examination of the proposed revisions to the medium-term plan of the human rights programme of the United Nations system with a view to its early adoption;

2. Stresses the need for the United Nations bodies responsible for the revision of the medium-term plan of the human rights programme of the United Nations system to ensure full reflection of the Vienna Declaration and Programme of Action and of all mandates established by decisions of the competent bodies in the field of human rights;

3. Also stresses that the process of restructuring the Centre for Human Rights should ensure the full implementation of the Vienna Declaration and Programme of Action and of all mandates established by decisions of the competent bodies in the field of human rights;

4. Requests the Secretary-General to continue to convene at least twice a year in Geneva meetings with all interested States to provide information and exchange views on the activities conducted by the Centre for Human Rights and its process of restructuring;

5. Expresses its confidence that the Secretary-General will continue to keep Member States informed on the follow-up of the present resolution;

6. Decides to consider this matter at its fifty-third session.

61st meeting
24 April 1996
[Adopted without a vote. See chap. XXI.]

1996/84. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) as endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular Part I, paragraph 1, which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments in the field of human rights,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling in particular its resolution 1984/54 of 14 March 1984, in which the Commission requested its Chairman to appoint a special representative to make a thorough study of the human rights situation in the Islamic Republic of Iran, based on such information as the special representative might deem relevant, including comments and material provided by the Government of the Islamic Republic of Iran,

Noting the appointment by the Chairman of the Commission on Human Rights of Mr. Maurice Danby Copithorne as Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, and paying tribute to his predecessor, Mr. Reinaldo Galindo Pohl,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, who has been able to conduct a preliminary visit to the Islamic Republic of Iran,

Recalling its previous resolutions expressing concern at the violations of human rights by the Government of the Islamic Republic of Iran, including its most recent, resolution 1995/68 of 8 March 1995, and those of the General Assembly, including the most recent, resolution 50/188 of 22 December 1995, and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1995/18 of 24 August 1995, which condemned the violations of human rights in the Islamic Republic of Iran,

Noting the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Noting the view of the Special Representative that a number of specific topics warrant his further detailed examination, particularly in the area of criminal procedure and the penal system,

Expressing the hope that the atmosphere for change believed to be detected by the Special Representative will result in relevant improvements,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of opinion and expression, who have been able to

visit the Islamic Republic of Iran, and bearing in mind the reports of these Special Rapporteurs on their visits (E/CN.4/1996/95/Add.2 and E/CN.4/1996/39/Add.2),

1. Welcomes the report of the Special Representative of the Commission and the observations contained therein (E/CN.4/1996/59);

2. Expresses its concern at the continuation of violations of human rights in the Islamic Republic of Iran, in particular the failure to meet international standards with regard to the administration of justice, notably with respect to pre-trial detention and the right of accused persons to defence lawyers, subsequent executions in the absence of guarantees of due process of law and cases of torture and cruel, inhuman or degrading treatment or punishment, the discriminatory treatment of minorities by reason of their religious beliefs, notably the Baha'is, whose existence as a viable religious community in the Islamic Republic of Iran is threatened, lack of adequate protection for some Christian minorities, some members of which have been the target of intimidation and assassinations, violations of the right to peaceful assembly and restrictions on the freedom of expression, thought, opinion and the press, including intimidation and harassment of journalists;

3. Calls upon the Government of the Islamic Republic of Iran to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians;

4. Expresses its concern at the lack of full and equal enjoyment by women of human rights, and calls upon the Government of the Islamic Republic of Iran to take effective measures to eliminate discrimination against women;

5. Expresses its grave concern at the continued use of the death penalty in the Islamic Republic of Iran in violation of the relevant provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

6. Also expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which have the support of the Government of the Islamic Republic of Iran;

7. Deplores the continuing violence against Iranians outside the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to refrain from activities against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

8. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights, to abide by its obligations under the Covenants and under other international instruments on human rights to which it is party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

9. Encourages the Government of the Islamic Republic of Iran to continue to extend maximum cooperation to international humanitarian organizations;

10. Welcomes the invitation extended by the Government of the Islamic Republic of Iran to the Special Representative as well as the Special Rapporteur on the right to freedom of expression and association, and calls upon the Government of the Islamic Republic of Iran to continue to cooperate with the mechanisms of the Commission, including by allowing them continued free access to the country;

11. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

12. Stresses the need to apply gender perspective in the reporting process, including in information collection and recommendations;

13. Requests the Special Representative to submit an interim report to the General Assembly at its fifty-first session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and to report to the Commission at its fifty-third session;

14. Requests the Secretary-General to give all necessary assistance to the Special Representative;

15. Decides to continue its consideration of the situation of human rights in the Islamic Republic of Iran, as a matter of priority, at its fifty-third session.

62nd meeting
24 April 1996
[Adopted by a roll-call vote of 24 votes to 7, with 20 abstentions. See chap. X.]

1996/85. Rights of the child

The Commission on Human Rights,

Recalling its resolutions 1995/78 and 1995/79 of 8 March 1995 and General Assembly resolution 50/153 of 21 December 1995,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights urged all States, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances, and recalling further that the Vienna Declaration and Programme of Action stated that exploitation and abuse of children should be actively combated, including by addressing their root causes, and that effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse,

Recalling the recommendations of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, in 1990,

Recalling the recommendations made at the World Summit for Social Development and the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace in 1995, in particular those for the protection of the rights of the girl child,

Recalling also the adoption by the Commission of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, in its resolution 1992/74 of 5 March 1992, as well as the Programme of Action for the Elimination of the Exploitation of Child Labour, in its resolution 1993/79 of 10 March 1993,

Noting the recent adoption by the Executive Board of the United Nations Children's Fund of a new Mission Statement,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and convinced that urgent and effective national and international action, including preventive measures, is called for,

Encouraged by the widespread commitment and political will shown by the unprecedented number of States that have to date become signatories and parties to the Convention on the Rights of the Child and by its almost universal nature, while noting that the commitment to achieve universal ratification by 1995 has not been reached,

Convinced that urgent national and international action is required to ensure that States parties implement the Convention on the Rights of the Child and the recommendations of the Committee on the Rights of the Child,

Noting the plan of action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child,

Determined to safeguard children's right to life, and recognizing the duty and responsibility of Governments to investigate all cases of offences against children, including killing and violence, and to punish offenders,

Convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Deeply worried by the continued practice of recruiting children in armed forces in contravention of the Convention on the Rights of the Child,

Noting with satisfaction that the XXVIth International Conference of the Red Cross and Red Crescent in December 1995 recommended that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Reiterating resolutions 2C and 2D of the XXVIth International Conference of the Red Cross and the Red Crescent, concerning children and family reunification,

Alarmed by the fact that children are often among the main victims of weapons which strike long after conflicts have ended, especially anti-personnel mines,

Aware of the need to promote the physical and psychological care and recovery, as well as the social reintegration, of children victims of any form of exploitation, abuse or neglect, torture or any other form of cruel, inhuman or degrading treatment or punishment, armed conflicts or displacements, in an environment which fosters the health, self-respect and dignity of children,

Deeply concerned at the persistence of the practices of and the existence of markets for the sale of children, child prostitution, child pornography and fraudulent adoption in many parts of the world, as well as at continuing reports of children being involved in and affected by serious crime, drug abuse, violence and prostitution, and, in this connection, aware of the particular vulnerability of street children to these phenomena,

Noting with concern the growing phenomenon of child sex tourism which can directly promote the sale of children for sexual exploitation as well as child prostitution and child pornography, and conscious of the need for appropriate measures to combat this phenomenon,

Recognizing that legislation per se is not enough to prevent violations of human rights and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and the administration of justice, and in social, educational and public health programmes,

Reaffirming the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights,

Concerned by those attitudes and those traditional practices which are harmful to the health and well-being of the girl child, including female genital mutilation,

Taking note of the respective reports of the two open-ended working groups for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (E/CN.4/1996/102) and the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (E/CN.4/1996/101),

Mindful of the important role of the United Nations system, in particular the United Nations Children's Fund and its national committees, in assisting Governments to promote the well-being of children and their development,

Concerned at the exploitation of child labour and by the fact that it prevents a large number of children from an early age, especially in poverty-stricken areas, from receiving basic education and may unduly imperil their health and even their lives,

Recognizing that progressive elimination of exploitative child labour can be brought about also by tackling poverty, one of the principal factors giving rise to child labour in developing countries,

Underlining the importance of international cooperation in support of initiatives to ensure the realization of children's rights at the national level, and welcoming in particular the programmes of the International Labour Organization aimed at the elimination of exploitative child labour and the activities carried out within the framework of its International Programme on the Elimination of Child Labour,

Alarmed in particular by the exploitation of child labour in its most extreme forms, including forced labour, bonded labour and other forms of slavery,

Encouraged by measures taken by Governments to eradicate the exploitation of child labour,

Deeply concerned about the growing number of street children worldwide and the squalid conditions in which these children are often forced to live, as well as the killing of and violence against these children,

Welcoming the efforts made by Governments to take effective action to address the question of street children,

I

The Convention on the Rights of the Child and its implementation

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1996/99);

2. Urges once again all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching universal adherence;

3. Reaffirms that all States have a duty to fulfil the obligations they have undertaken under the various international instruments, and in this regard recalls the responsibility of States parties to implement the Convention on the Rights of the Child;

4. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with a view to considering the withdrawal of those reservations which are contrary to article 51 of the Convention or otherwise contrary to international law;

5. Takes note with appreciation of the constructive role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

6. Calls upon States parties to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated for that purpose;

7. Requests the Secretary-General to ensure the provision of appropriate staff and facilities, from within existing financial resources, for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, in the light of its increasingly heavy workload and bearing in mind article 43 of the Convention on the Rights of the Child;

8. Notes with appreciation the efforts of the United Nations Children's Fund in providing support to the Committee on the Rights of the Child in accordance with article 45 of the Convention and in close collaboration with the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights;

9. Requests organs and bodies of the United Nations, including the United Nations Children's Fund, within the scope of their respective mandates, and encourages States parties, intergovernmental and non-governmental organizations, the media and the community at large to intensify their efforts to disseminate information on the Convention on the Rights of the Child, promote understanding of it and assist States parties in its implementation;

10. Emphasizes the importance of ensuring training on the rights of the child of those who are involved in actions concerning children, including teachers, the judiciary and law enforcement and immigration officials, and draws the attention of interested Governments to the possibilities offered in this connection by the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights through the programme of advisory services and technical cooperation in the field of human rights;

11. Recommends that within their mandates, special rapporteurs, special representatives and working groups of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities pay special attention to particular situations in which children are in danger, including the plight of street children, exploitation of child labour, children in armed conflicts, refugee and internally displaced children, and children who are the victims of sale, child prostitution and child pornography or other forms of child abuse, and that they take into account the work of the Committee on the Rights of the Child;

II

Protection of children affected by armed conflicts

12. Notes the progress made in the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

13. Requests the Secretary-General to transmit the report of the working group on a draft optional protocol to the Convention on the involvement of children in armed conflicts to Governments, relevant specialized agencies and intergovernmental and non-governmental organizations, the International Committee of the Red Cross, and the expert appointed by the Secretary-General to undertake a study on the impact of armed conflicts on children, and to invite their comments thereon in time for circulation prior to the next session of the working group, and invites the International Committee of the Red Cross to consider being represented at the next session of the Working Group;

14. Invites the Committee on the Rights of the Child to offer comments on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and to consider being represented at future sessions of the working group;

15. Requests the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission, with a view to finalizing the draft optional protocol;

16. Welcomes the report of the Secretary-General on the impact of armed conflict on children (E/CN.4/1996/110 and Add.1), and notes with appreciation the work of the expert appointed by the Secretary-General, Ms. Graça Machel;

17. Invites Member States and United Nations organs and bodies, including the Committee on the Rights of the Child, the Centre for Human Rights, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Committee of the Red Cross and other relevant intergovernmental and non-governmental organizations, to contribute to the ongoing study on the impact of armed conflict on children;

18. Welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines and calls upon Governments to contribute to demining activities, thereby reducing the number of child victims;

19. Also welcomes the financial contributions made to the Voluntary Trust Fund for Assistance in Mine Clearance, established by the Secretary-General to finance information and training programmes relating to mine clearance, and calls upon Member States to contribute further to it;

III

International measures for the prevention and eradication of the sale of children, child prostitution and child pornography

20. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, and notes her recommendations (E/CN.4/1996/100);

21. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance, from within existing resources, to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session;

22. Appeals to all Governments to cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her to undertake country visits;

23. Invites the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission on Human Rights;

24. Recognizes the importance of strengthening international cooperation, inter alia through the adoption of bilateral and multilateral measures or the use of the United Nations programme of advisory services in the field of human rights, as a means to assist Governments in preventing and combating violations of the rights of the child, including the sale of children, child prostitution and child pornography;

25. Notes the progress made in the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

26. Requests the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography to Governments, relevant specialized agencies and intergovernmental and non-governmental organizations, the Committee on the Rights of the Child and the relevant Special Rapporteur and to invite their comments thereon in time for circulation prior to the next session of the working group;

27. Invites the Committee on the Rights of the Child to offer comments on the draft optional protocol to the Convention on the sale of children, child prostitution and child pornography and to consider being represented at future sessions of the working group;

28. Requests the working group on the question of a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission to pursue its mandate, with a view to finalizing the draft optional protocol;

29. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, to be held in Stockholm from 27 to 31 August 1996, and in this connection recommends the participation, within existing resources, of the Special Rapporteur, and the participation of the Chairman-Rapporteur of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, within their mandates;

30. Encourages States to take measures aimed at eliminating sale of children, child prostitution and child pornography as well as related phenomena and to enhance bilateral and multilateral cooperation to tackle effectively trans-border problems associated with the sexual exploitation of children;

IV

Elimination of exploitation of child labour

31. Encourages Member States which have not yet done so to consider ratifying the conventions of the International Labour Organization relating to the elimination of the exploitation of child labour, in particular those concerning the minimum age for employment, the abolition of forced labour and the prohibition of particularly hazardous work for children, and to implement them;

32. Calls upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular protection from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

33. Urges Governments to take all necessary measures to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

34. Encourages in particular Governments to take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment, and appropriate penalties or other sanctions to ensure the effective enforcement of these measures;

35. Invites Governments, in accordance with the commitments made at the World Summit for Social Development in March 1995, to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensuring the full enforcement of relevant existing laws and, where appropriate, enacting the legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

36. Encourages Member States to strengthen bilateral and multilateral cooperation, such as through the United Nations programme of advisory services in the field of human rights and the International Programme on the Elimination of Child Labour of the International Labour Organization, as a means to assist Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

37. Takes note of the recommendations made by the Committee on the Rights of the Child in the area of child labour, and encourages the Committee, as well as other relevant human rights treaty bodies within their respective mandates to continue to monitor this growing problem when examining reports of States parties;

V

The plight of street children

38. Expresses grave concern at the growing incidence worldwide, and at reports of, street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

39. Urges Governments to continue actively to seek comprehensive solutions to the problems of street children and to take measures to restore their full participation in society and to provide them with, inter alia, adequate nutrition, shelter, health care and education;

40. Strongly urges all Governments to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against them;

41. Emphasizes that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child, constitutes a significant step towards solving the problems of street children;

42. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

43. Recommends that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies give continued attention within their respective mandates to this growing problem when examining reports of States parties;

VI

The girl child

44. Urges all States to eliminate all forms of discrimination against the girl child and to eliminate the violation of the human rights of all children, paying particular attention to the obstacles faced by the girl child;

45. Encourages States to enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

VII

Refugee and internally displaced children

46. Urges Governments to pay particular attention to the situation of refugee and internally displaced children, by designing and implementing new policies for their care and well-being with the necessary international cooperation, in particular that of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund;

VIII

47. Welcomes the increasingly active support given to child rights by regional and intergovernmental organizations and institutions;

48. Encourages the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children, guided by the principle of the best interests of the child as recognized by the Convention on the Rights of the Child;

49. Requests the Secretary-General to submit to the Commission at its fifty-third session a report on the status of the Convention on the Rights of the Child;

50. Decides to continue its consideration of the question, as a matter of priority, at its fifty-third session under the agenda item entitled "Rights of the child".

62nd meeting
24 April 1996
[Adopted without a vote. See chap. XX.]

B. Decisions

1996/101. Organization of work

At its 2nd meeting, on 19 March 1996, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Mr. J. Urrutia, Chairman-Rapporteur of the working group established in accordance with Commission resolution 1995/32 of 3 March 1995;

(b) In connection with item 3: Mr. P. Pinheiro, Special Rapporteur on the situation of human rights in Burundi;

(c) In connection with item 3: Ms. F.Z. Ksentini, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes;

(d) In connection with item 4: Mr. H. Halinen, Special Rapporteur on the Palestinian territories occupied by Israel;

(e) In connection with item 6: Mr. M. Ennaceur, Chairman-Rapporteur of the Working Group on the Right to Development;

(f) In connection with item 7: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(g) In connection with item 8: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(h) In connection with item 8: Mr. A. Hussain, Special Rapporteur on the right to freedom of opinion and expression;

(i) In connection with item 8: Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(j) In connection with item 8 (a): Mr. N. Rodley, Special Rapporteur on the question of torture;

(k) In connection with item 8 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(l) In connection with item 8 (c): Mr. M. Nowak, expert, special process dealing with missing persons in the former Yugoslavia;

(m) In connection with item 8 (d): Mr. C. Vargas Pizarro, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;

(n) In connection with item 9 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women;

(o) In connection with item 9 (d): Mr. F.M. Deng, Representative of the Secretary-General on internally displaced persons;

(p) In connection with item 10: Mr. M. Copithorne, Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

(q) In connection with item 10: Mr. A. Artucio Rodríguez, Special Rapporteur on the situation of human rights in Equatorial Guinea;

(r) In connection with item 10: Mr. Choong-Hyun Paik, Special Rapporteur on the situation of human rights in Afghanistan;

(s) In connection with item 10: Mr. Y. Yokota, Special Rapporteur on the situation of human rights in Myanmar;

(t) In connection with item 10: Mr. C.J. Groth, Special Rapporteur on the situation of human rights in Cuba;

(u) In connection with item 10: Ms. E. Rehn, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia;

(v) In connection with item 10: Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq;

(w) In connection with item 10: Mr. G. Biró, Special Rapporteur on the situation of human rights in the Sudan;

(x) In connection with item 10: Mr. R. Degni-Ségui, Special Rapporteur on the situation of human rights in Rwanda;

(y) In connection with item 10: Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(z) In connection with item 10: Mr. R. Garretón, Special Rapporteur on the situation of human rights in Zaire;

(aa) In connection with item 10 or item 17: Ms. M. Pinto, independent expert on the situation of human rights in Guatemala;

(bb) In connection with item 10 or item 17: Mr. M. Charfi, independent expert on the situation of human rights in Somalia;

(cc) In connection with item 10 (b): Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations are being considered under item 10 (b);

(dd) In connection with item 10 (b): Mr. H. Templeton, independent expert;

(ee) In connection with item 10 (b): Ms. N'Douré M'Bam Diarra, independent expert;

(ff) In connection with item 12: Mr. M. Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(gg) In connection with item 15: Mr. I. Maxim, Chairman of the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(hh) In connection with item 17: Mr. M. Kirby, Special Representative of the Secretary-General on the situation of human rights in Cambodia;

(ii) In connection with item 17: Mr. A. Dieng, independent expert on the situation of human rights in Haiti;

(jj) In connection with item 17: Ms. A.-M. Lizin, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(kk) In connection with item 18: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(ll) In connection with item 19: Mr. J. Helgesen, Chairman-Rapporteur of the Working Group on "human rights defenders";

(mm) In connection with item 20: Mr. N. Eliasson, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts;

(nn) In connection with item 20 (b): Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(oo) In connection with item 20 (d): Mr. I. Mora Godoy, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on sale of children, child prostitution and pornography.

[See chap. III.]

1996/102. Indigenous issues

At its 20th meeting, on 1 April 1996, the Commission on Human Rights decided, without a vote, to add a new agenda item 23, entitled "Indigenous issues", to its provisional agenda and to renumber items 23 and 24 accordingly.

[See chap. III.]

1996/103. Effects of structural adjustment policies on the full enjoyment of human rights

At its 35th meeting, on 11 April 1996, the Commission on Human Rights, taking note of resolution 1995/32 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, by 34 votes to 16, with 1 abstention, to establish an open-ended working group of the Commission to meet for a period of one week prior to its fifty-third session to elaborate, on the basis of the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights contained in document E/CN.4/Sub.2/1995/10 and in close cooperation with the Committee on Economic, Social and Cultural Rights, policy guidelines on the subject-matter. The Commission also decided, by 34 votes to 16, with 1 abstention, to invite Governments and intergovernmental organizations and non-governmental organizations, as well as the Committee on Economic, Social and Cultural Rights, to contribute to the elaboration of draft policy guidelines by providing their comments on the preliminary set of basic policy guidelines for consideration by the working group, and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 36, and chap. V.]

1996/104. Forced evictions

At its 35th meeting, on 11 April 1996, the Commission on Human Rights, taking note of resolution 1995/29 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, bearing in mind the work of other United Nations bodies on this issue, notably that of the United Nations Centre for Human Settlements (Habitat), and mindful of the need to avoid unnecessary duplication, decided, by a roll-call vote of 22 votes to 18, with 9 abstentions, to recommend to the Economic and Social Council, in the light of the conclusions of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996, to authorize the holding, at an appropriate date after Habitat II, of an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement.

[See chap. V.]

1996/105. Recognition of gross and large-scale violations of human rights as an international crime

At its 51st meeting, on 19 April 1996, the Commission on Human Rights, taking note of resolution 1995/22 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, bearing in mind the work of other United Nations bodies on this issue, notably that of the International Law Commission, and mindful of the need to avoid unnecessary duplication, decided, without a vote, to postpone the decision on forwarding to the Economic and Social Council the draft decision of the Sub-Commission

authorizing the preparation of a report on the recognition of gross and large-scale violations of human rights as an international crime (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B) in order to be able to take into account the work of other United Nations bodies in this field, including that of the International Law Commission.

[See chap. XV.]

1996/106. Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems in the promotion and protection of human rights

At its 51st meeting, on 11 April 1996, the Commission on Human Rights, taking note of resolution 1995/19 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and recalling its decision 1995/107 of 3 March 1995, decided, without a vote, not to forward to the Economic and Social Council the draft decision of the Sub-Commission authorizing a study on the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

[See chap. XV.]

1996/107. Systematic rape and sexual slavery during periods of armed conflict

At its 51st meeting, on 19 April 1996, the Commission on Human Rights, taking note of resolution 1995/14 of 18 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict. The Commission also decided, without a vote, to invite Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on this question, and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 38, and chap. XV.]

1996/108. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 51st meeting, on 19 April 1996, the Commission on Human Rights, taking note of decision 1995/111 of 24 August 1995 and resolution 1994/42 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the recommendation of the Sub-Commission to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session, and to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary in order to allow him to complete his work.

[See chap. XV.]

1996/109. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 52nd meeting, on 19 April 1996, the Commission on Human Rights, taking note of decision 1995/118 of 24 August 1995, and recalling resolutions 1989/38 of 1 September 1989 and 1990/28 of 31 August 1990 and decisions 1991/11 of 29 August 1991, 1992/110 of 27 August 1992 and 1994/116 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the recommendation of the Sub-Commission to request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit a third report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group at its fourteenth session and to the Sub-Commission at its forty-eighth session and a final report to both bodies at their fifteenth and forty-ninth sessions respectively. The Commission also decided, without a vote, to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to continue and conclude his study, in particular by providing for specialized research assistance and for the necessary visits to Geneva for consultation with the Centre for Human Rights, and the resources necessary for a field mission to examine in situ the contemporary significance of a historic treaty in one country, to be determined in consultation with the Government concerned, as a practical example for inclusion in the final report.

[See chap. XXIII.]

1996/110. Organization of the work of the fifty-third session

At its 60th meeting, on 23 April 1996, the Commission decided, without a vote, in the light of the positive experience gained by rescheduling the dates of the fifty-second session on a one-year trial basis, to recommend to the Economic and Social Council, pursuant to the Council's decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the dates for the Commission's annual regular session be rescheduled to

take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-third session be rescheduled to take place from 10 March to 18 April 1997.

[See chap. III.]

1996/111. Organization of the work of the fifty-third session

At its 60th meeting, on 23 April 1996, the Commission, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to fifty-second sessions, decided, without a vote:

(a) To recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-third session;

(b) To request the Chairman of the Commission at its fifty-third session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Economic and Social Council might authorize would be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

1996/112. Question of human rights in Cyprus

At its 60th meeting, on 23 April 1996, the Commission decided, without a vote, to retain on its agenda item 10 (a), entitled "Question of human rights in Cyprus", it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. X.]

1996/113. Organization of the work of the fifty-third session

At its 61st meeting, on 24 April 1996, the Commission decided, without a vote, that, unless otherwise indicated in the resolutions adopted at the fifty-second session, all continuing thematic or country-oriented mandates established by the Commission and entrusted to special rapporteurs, special

representatives, independent experts and working groups are expected to report to the fifty-third session, even if the relevant resolutions do not make explicit reference to that reporting obligation.

[See chap. III.]

1996/114. Organization of work

At its 62nd meeting, on 24 April 1996, the Commission decided, without a vote, to defer consideration of draft resolution E/CN.4/1996/L.2, entitled "Organization of work", to its fifty-third session.

[See chap. III.]